

# **EXHIBIT 2**



Compressed Transcript of the Testimony of  
**ADAM NAGER, 3/21/13**

**Case:** Sanchez v. Sterling Infosystems, Inc., et al.

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 1	Page 3
<p>UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND</p> <p>-----</p> <p>JOSE G. SANCHEZ, on behalf of himself : and all other similarly situated, :</p> <p>Plaintiff, :</p> <p>vs. : Civil Action No. : : 12-00157</p> <p>STERLING INFOSYSTEMS, INC., : d/b/a STERLING TESTING SYSTEMS, INC. :</p> <p>Defendant. :</p> <p>-----</p> <p>March 21, 2013 10:02 a.m.</p> <p>VIDEOTAPED DEPOSITION of ADAM NAGER, a non-party witness herein, taken pursuant to Notice, and held at the offices of DLA Piper, LLP, 1251 Avenue of the Americas, New York, New York, before Katherine S. Jurac, a Court Reporter and Notary Public of the State of New York.</p> <p>SUMMIT COURT REPORTING, INC. Certified Court Reporters and Videographers 1500 Walnut Street, Suite 1610 Philadelphia, Pennsylvania 19102 424 Fleming Pike, Hammonton, New Jersey 08037 (215) 985-2400 * (609) 567-3315 * (800) 447-8648 www.summitreporting.com</p>	<p>1 INDEX</p> <p>2 PAGE:LINE</p> <p>3 EXAMINATION BY 6:3 MR. FRANCIS:</p> <p>4</p> <p>5 FURTHER EXAMINATION 125:5 BY MR. FRANCIS:</p> <p>6</p> <p>7 EXAMINATION BY 119:17 MR. O'NEIL:</p> <p>8</p> <p>9 Plaintiff's Exhibit 1, 39:3 STERLING TESTING SYSTEMS DOCUMENT, BATES STAMP NOS. DEF00001 - DEF00007, was marked for identification.</p> <p>10</p> <p>11 Plaintiff's Exhibit 2, 65:19 DOCUMENT BATES NOS. DEF00084 - DEF00087, was marked for identification.</p> <p>12</p> <p>13 Plaintiff's Exhibit 3, 69:21 CONSENT AND DISCLOSURE, BATES STAMP NO. DEF00089, was marked for identification.</p> <p>14</p> <p>15 Plaintiff's Exhibit 4, 80:23 CONSENT &amp; DISCLOSURE FORM, BATES STAMP NO. DEF00096, was marked for identification.</p> <p>16</p> <p>17</p> <p>18 Plaintiff's Exhibit 5, 84:13 CONSENT TO REQUEST CONSUMER REPORT, BATES STAMP NO DEF00100, was marked for identification.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 FRANCIS &amp; MAILMAN Attorneys for the Plaintiff Land Title Building, 19th Floor 4 100 South Broad Street Philadelphia, Pennsylvania 19110 5 BY: JAMES A. FRANCIS, ESQ. -and- 6 DAVID A. SEARLES, ESQ.</p> <p>7</p> <p>8 DLA PIPER, LLP Attorneys for the Defendant 9 1251 Avenue of the Americas, 27th Floor New York, New York 10020 10 BY: MICHAEL O'NEIL, ESQ.</p> <p>11</p> <p>12</p> <p>13 ALSO PRESENT: 14 Peter Ledwith, Videographer 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 INDEX - Continued</p> <p>2 PAGE:LINE</p> <p>3 Plaintiff's Exhibit 6, 90:14 CONSENT TO REQUEST CONSUMER REPORT, 4 BATES STAMP NO. DEF000858, was marked for identification.</p> <p>5</p> <p>6 Plaintiff's Exhibit 7, 94:7 CONSENT TO REQUEST CONSUMER REPORT, 7 BATES STAMP NO. DEF00104, was marked for identification.</p> <p>8</p> <p>9 Plaintiff's Exhibit 8, 97:21 CONSENT TO REQUEST CONSUMER REPORT, BATES STAMP DEF00108, was marked for identification.</p> <p>10</p> <p>11 Plaintiff's Exhibit 9, 101:2 CONSENT TO REQUEST CONSUMER REPORT, BATES STAMP NOS. DEF000887 - DEF000891, 12 was marked for identification.</p> <p>13</p> <p>14 Plaintiff's Exhibit 10, 103:15 SUPPLEMENTAL RESPONSES, SIX-PAGE DOCUMENT, was marked for identification.</p> <p>15</p> <p>16</p> <p>17 (Exhibits retained by counsel.) 18 19 20 21 22 23 24 25</p>

1 (Pages 1 to 4)

Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 5	Page 7
<p>1 THE VIDEOGRAPHER: We're going on the 2 record at 10:02 a.m. on March 21st, 2013. This 3 is Media Unit 1, Volume 1, of a video 4 deposition of Adam Nager, taken by the 5 plaintiff in the matter of -- in re: Sanchez 6 V. Sterling by the U.S. District Court of Rhode 7 Island. This deposition is taking place at DLA 8 Piper, LLP, 1251 Sixth Avenue, New York, New 9 York. The videographer is Peter Ledwith from 10 DALCO Reporting. The reporter is Kathy Jurac 11 also from DALCO Reporting.</p> <p>12 Counsel and all present, please introduce 13 themselves in order and who they represent.</p> <p>14 MR. FRANCIS: Jim Francis and David 15 Searles for the plaintiff, Jose Sanchez, from 16 the firm of Francis &amp; Mailman.</p> <p>17 MR. O'NEIL: Michael O'Neil of DLA Piper 18 on behalf of Sterling Infosystems, Inc.</p> <p>19 THE VIDEOGRAPHER: Court Reporter, please 20 swear in the witness.</p> <p>21 22 ADAM NAGER, 23 having first been duly sworn by the Notary Public 24 (Katherine S. Jurac), and stating his address as 25 548 West 50th Street, Apartment 2-FW, New York,</p>	<p>1 Q. Okay. If at any point during the 2 deposition you determine that an answer that you 3 gave previously was either incorrect, inaccurate, 4 not truthful, not complete, or you think that -- 5 that you need to supplement your previous answer to 6 make it make sense or be wholly truthful and 7 accurate, let me know that, and I'll be happy to 8 give you an opportunity to put that on the record.</p> <p>9 Do you understand that?</p> <p>10 A. I do.</p> <p>11 Q. All right. Even though we are not sitting 12 here in front of a judge or with a jury that would 13 hear this case, you do understand that your 14 testimony today is subject to the penalty of 15 perjury?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you have any reason to believe 18 that you would not be able to give truthful and 19 accurate testimony today because of being under the 20 influence of a medication or any other substance 21 which would impair your memory?</p> <p>22 A. No.</p> <p>23 Q. Okay. Even though you are being recorded 24 and -- on camera today, the actual official 25 transcript of the deposition today is the written</p>
Page 6	Page 8
<p>1 New York 10019, was examined and testified as follows:</p> <p>2 3 EXAMINATION BY</p> <p>4 MR. FRANCIS:</p> <p>5 Q. I'm sorry. Would you please state and 6 spell your full name for the record.</p> <p>7 A. Adam Nager, A-D-A-M, N-A-G-E-R.</p> <p>8 Q. Mr. Nager, good morning. My name is Jim 9 Francis. We just met. In fact, we met several 10 months ago, because, you may recall, I took your 11 deposition --</p> <p>12 A. Correct.</p> <p>13 Q. -- in another case. You remember that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Even though I -- I gave you those 16 instructions, I'm going to give them to you again in 17 terms of how the deposition process works, so that 18 we're all on the same page here today. Okay.</p> <p>19 If I ask you a question and you don't 20 understand it, please let me know, and I'll try to 21 rephrase it in a way that's understandable to you. 22 Otherwise, I will assume that you understood my 23 question, and you're answering it to the best of 24 your ability. Do you understand that?</p> <p>25 A. I do.</p>	<p>1 transcript that's taken down by the court reporter 2 to your left. So all of your answers today must be 3 given in a verbal fashion. Do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. All right. If at any point during the 6 deposition you need to -- to take a break, let me 7 know, and I'm always very accommodating for 8 something like that. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. All right. Sir, what is your current 11 position?</p> <p>12 A. Senior compliance manager.</p> <p>13 Q. Okay. And who is your employer? And 14 please be as specific as possible.</p> <p>15 A. Sterling Infosystems, Inc.</p> <p>16 Q. How long have you been an employee of 17 Sterling Infosystems, Inc.?</p> <p>18 A. Since August of 2004.</p> <p>19 Q. How long have you held the title of senior 20 compliance manager?</p> <p>21 A. It's been approximately a year and a half, 22 two years. Has it been --</p> <p>23 Q. What position --</p> <p>24 A. Actually --</p> <p>25 Q. Well, go ahead.</p>

2 (Pages 5 to 8)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 9	Page 11
<p>1 A. -- it may not have been that long. I'm</p> <p>2 trying to -- I don't remember the exact date, but it</p> <p>3 might have been less than a year.</p> <p>4 Q. Okay. What position did you hold</p> <p>5 immediately prior to be -- becoming senior</p> <p>6 compliance manager?</p> <p>7 A. Compliance manager.</p> <p>8 Q. How long were you in that position?</p> <p>9 A. Four years, five years.</p> <p>10 Q. Is compliance manager the title that you</p> <p>11 would have held in or around the time period of</p> <p>12 2008?</p> <p>13 A. Yes.</p> <p>14 Q. How many employees comprise the compliance</p> <p>15 department at Sterling Infosystems?</p> <p>16 A. The actual compliance department in New</p> <p>17 York, I would say three employees.</p> <p>18 Q. Okay. You said "in New York"; does that</p> <p>19 mean --</p> <p>20 A. There's additional employees that handle</p> <p>21 other functions, including disputes, but they're --</p> <p>22 they're in the -- the department, but not exactly</p> <p>23 the same section, so to speak.</p> <p>24 Q. All right. Well, let me break it down.</p> <p>25 In terms of the three employees you</p>	<p>1 MR. O'NEIL: Objection. That -- that</p> <p>2 calls for attorney/client privileged</p> <p>3 communication. I'm instructing him not to</p> <p>4 answer.</p> <p>5 MR. FRANCIS: I'm not looking for any</p> <p>6 communications; I'm just looking into whether</p> <p>7 the relationship has changed at all.</p> <p>8 MR. O'NEIL: What dates -- changed from</p> <p>9 what date?</p> <p>10 Q. Say 2010.</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. Okay. Now, when -- when I was asking you</p> <p>13 about the employees who are -- who comprise the --</p> <p>14 the compliance department, you mentioned the three</p> <p>15 names, including yourself, that are in New York</p> <p>16 City, but then you mentioned some other ones. Can</p> <p>17 you tell me the names of those people?</p> <p>18 A. It's headed up by Veronique Laverdiue.</p> <p>19 Q. Could you spell that or try.</p> <p>20 A. Let me see if I have --</p> <p>21 MR. O'NEIL: Just do your best.</p> <p>22 MR. FRANCIS: Yeah.</p> <p>23 A. L-A-V-E-R-D-I-U-E.</p> <p>24 Q. Okay. Does that one -- is that -- is that</p> <p>25 a last name or a first name?</p>
Page 10	Page 12
<p>1 mentioned that are here in New York, who are those</p> <p>2 employees?</p> <p>3 A. Andrew Porter.</p> <p>4 Q. What is his position?</p> <p>5 A. General counsel.</p> <p>6 Q. Who else?</p> <p>7 A. Joe Rotondo.</p> <p>8 Q. What is his current position?</p> <p>9 A. VP of compliance.</p> <p>10 Q. Who else?</p> <p>11 A. That's it for -- myself.</p> <p>12 Q. Okay. How long has Mr. Porter been</p> <p>13 general counsel?</p> <p>14 A. A couple of months now.</p> <p>15 Q. Was there anybody before him?</p> <p>16 A. No.</p> <p>17 Q. Okay. Would I be correct in stating that</p> <p>18 prior to Mr. Porter's arrival, Sterling did not have</p> <p>19 an in-house counsel?</p> <p>20 A. Correct.</p> <p>21 Q. Is the firm still using Jackson Lewis?</p> <p>22 A. Yes.</p> <p>23 Q. Has there been any change in -- in the</p> <p>24 services that Jackson Lewis performs for Sterling in</p> <p>25 the last couple of years?</p>	<p>1 A. That's her last name.</p> <p>2 Q. That's her last name, Laverdiue?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Veronique is her first name.</p> <p>6 Q. Okay. And when you say "it's headed up,"</p> <p>7 what's the "it" that you're referring to?</p> <p>8 A. She heads up a team that completes</p> <p>9 applicant disputes.</p> <p>10 Q. And how large is that team?</p> <p>11 A. Six to eight people.</p> <p>12 Q. Are they located in the United States?</p> <p>13 A. They're in Ohio.</p> <p>14 Q. And what is the office that they work out</p> <p>15 of? What do you call that office?</p> <p>16 A. Just Ohio office.</p> <p>17 Q. And when you said "applicant disputes," do</p> <p>18 you mean they handle disputes that are initiated by</p> <p>19 a consumer who is applying for a job and thinks</p> <p>20 there's something inaccurate or incorrect about them</p> <p>21 on their Sterling report?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Do you have any involvement in that</p> <p>24 process, handling consumer disputes?</p> <p>25 A. Almost none.</p>

3 (Pages 9 to 12)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 13	Page 15
<p>1 Q. Okay.</p> <p>2 A. Occasionally, I'll be asked input on a</p> <p>3 case, but --</p> <p>4 Q. Okay. Let's start with your current</p> <p>5 position as senior compliance manager. Would you</p> <p>6 give me a full description of your job duties and</p> <p>7 responsibilities, please.</p> <p>8 A. Doing research on the type of background</p> <p>9 checks required for certain industries; some best</p> <p>10 practice recommendations to clients, depending on</p> <p>11 what they do, evaluating forms; working with Jackson</p> <p>12 Lewis; and recommendations for clients. I'll handle</p> <p>13 some attorney-initiated disputes.</p> <p>14 Q. Anything else?</p> <p>15 A. That's pretty much it.</p> <p>16 Q. Okay. Let me ask you to break that down a</p> <p>17 little bit. One of the things you mentioned that</p> <p>18 you do is you do research?</p> <p>19 A. Correct.</p> <p>20 Q. Can you tell me the type of research</p> <p>21 you're referring to.</p> <p>22 A. For example, in healthcare what type of</p> <p>23 background check is required for nurses in a</p> <p>24 facility working with mentally disabled.</p> <p>25 Q. You determine what type of background</p>	<p>1 Q. You mentioned that -- I think the words</p> <p>2 you used was that one of the other things you do in</p> <p>3 your job is you do -- advise clients as to best</p> <p>4 practices or best practice evaluations. Can you</p> <p>5 tell me what you mean by that.</p> <p>6 A. Okay. Clients will ask what type of</p> <p>7 positions do we feel you can run credit reports on.</p> <p>8 And our response would be something possibly</p> <p>9 fiscally responsible positions, such as a CFO,</p> <p>10 someone who's handling large amounts of cash, that</p> <p>11 sort of thing.</p> <p>12 Q. Okay. And one of the other things you</p> <p>13 mentioned that you do is you evaluate forms; right?</p> <p>14 A. Correct.</p> <p>15 Q. Can you tell me the type of forms that you</p> <p>16 were referring to?</p> <p>17 A. Clients will often have their own consent</p> <p>18 forms, possibly pre- and final adverse action</p> <p>19 letters.</p> <p>20 Q. You're saying some clients have their own</p> <p>21 forms; correct?</p> <p>22 A. Correct.</p> <p>23 Q. And other clients, you supply the forms</p> <p>24 for; correct?</p> <p>25 A. Correct.</p>
Page 14	Page 16
<p>1 check is required for your clients?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And then tell them: This is what</p> <p>4 you need to do?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. What other type of research?</p> <p>7 A. That's the main example for research in</p> <p>8 that respect. New laws, we'll research that when</p> <p>9 they get passed or are pending.</p> <p>10 Q. Would it be fair for me to state that in</p> <p>11 connection with your job, you have familiarity with</p> <p>12 the Fair Credit Reporting Act?</p> <p>13 A. Yes.</p> <p>14 Q. Is that one of the laws that you are</p> <p>15 required to know about in connection with your job?</p> <p>16 A. Yes.</p> <p>17 Q. Sterling is a consumer reporting agency;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And it's regulated by the Fair</p> <p>21 Credit Reporting Act?</p> <p>22 A. Correct.</p> <p>23 Q. And one of the things you do is help the</p> <p>24 company try to comply; correct?</p> <p>25 A. Correct.</p>	<p>1 Q. Okay. And other than the consent forms</p> <p>2 and pre-adverse action -- pre- and final adverse</p> <p>3 action letters, were there any other forms you're</p> <p>4 referring to when you mentioned that part of your</p> <p>5 job involves evaluating forms?</p> <p>6 A. Those are -- those are the most common.</p> <p>7 Occasionally, we'll get background check policies,</p> <p>8 but we don't really do too much of that.</p> <p>9 Q. Okay.</p> <p>10 A. Occasionally an application.</p> <p>11 Q. Now, in terms of evaluating forms, do you</p> <p>12 mean to say that a client may give you a form and</p> <p>13 say, Hey, this is what we use for our consent forms</p> <p>14 and this what we use for final adverse action</p> <p>15 letter, please take a look at it and tell us if you</p> <p>16 think it -- it's works; right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And that's what you do; right?</p> <p>19 A. One of things, yes.</p> <p>20 Q. Okay. And would I be correct in -- in</p> <p>21 stating that in order to do that for your clients,</p> <p>22 you, yourself, have had to become familiar with</p> <p>23 those provisions of the Fair Credit Reporting Act</p> <p>24 which relate to those forms?</p> <p>25 A. Correct.</p>

4 (Pages 13 to 16)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 17	Page 19
<p>1 Q. Okay. And if you think a client's</p> <p>2 particular form is not compliant with the law,</p> <p>3 you'll tell them that; correct?</p> <p>4 A. Yes.</p> <p>5 Q. If you think that there's something they</p> <p>6 could do better to achieve their goals, you'll tell</p> <p>7 them that as well; correct?</p> <p>8 A. Correct.</p> <p>9 Q. In terms of the clients that -- who don't</p> <p>10 handle their own forms and for whom Sterling does</p> <p>11 the forms, are you involved in that process?</p> <p>12 A. The -- in -- in what way?</p> <p>13 Q. In the drafting or the editing of any</p> <p>14 forms for those clients?</p> <p>15 A. The edits typically come from Jackson</p> <p>16 Lewis, and we just add them into our form and then</p> <p>17 distribute them.</p> <p>18 Q. Okay. Well -- so if -- okay. Strike.</p> <p>19 For the clients who do not use their own</p> <p>20 forms, is it your testimony that Sterling will</p> <p>21 provide forms for those clients to use?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you mentioned the word "consent</p> <p>24 forms"; can you tell me what you mean, so we're on</p> <p>25 the same page, by "consent forms"?</p>	<p>1 A. Correct.</p> <p>2 Q. Okay. And how do you do that? Do you</p> <p>3 send e-mails?</p> <p>4 A. Typically e-mail.</p> <p>5 Q. Okay. Focusing just upon the -- the</p> <p>6 consent forms, have those forms changed over time?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And are those changes prompted by</p> <p>9 Jackson Lewis?</p> <p>10 A. Typically, yes.</p> <p>11 Q. Okay. Do you maintain a library or</p> <p>12 database of the forms that the client has used over</p> <p>13 the course of time that pertain to the consent</p> <p>14 disclosure forms?</p> <p>15 A. Not all versions.</p> <p>16 Q. Okay. What -- do you -- do you retain some</p> <p>17 of them?</p> <p>18 A. Some of them, yes.</p> <p>19 Q. Okay. What versions do you retain?</p> <p>20 A. By -- they're just listed by date.</p> <p>21 There's no way to really describe them.</p> <p>22 Q. Okay. Where -- where are those -- in</p> <p>23 other words, if you wanted to -- to look at, for</p> <p>24 example --</p> <p>25 A. Okay.</p>
Page 18	Page 20
<p>1 A. A consent and disclosure authorization to</p> <p>2 do the background check.</p> <p>3 Q. Are you talking about the form that a</p> <p>4 consumer is supposed to sign prior to a company</p> <p>5 running a background check on them?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And by "consent form," you're</p> <p>8 referring to the form where the consumer is giving</p> <p>9 the employer consent to obtain a background check on</p> <p>10 that consumer; correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And I know you mentioned Jackson</p> <p>13 Lewis typically designs those forms, but I think</p> <p>14 you've mentioned, correct me if I'm wrong, that one</p> <p>15 of the things that you do in your job is to help</p> <p>16 distribute that to the clients?</p> <p>17 A. Not -- I don't distribute them directly to</p> <p>18 the clients. There's very few clients I work with</p> <p>19 directly. I would distribute them to -- it now goes</p> <p>20 to out -- with -- with Salesforce, and it's</p> <p>21 distributed to our account management team, client</p> <p>22 service team, who actually distributes it.</p> <p>23 Q. I see. So you're distributing the form to</p> <p>24 other Sterling employees for them to then give it to</p> <p>25 the clients?</p>	<p>1 Q. Wait. Hang on one second. If you wanted</p> <p>2 to find out, for example, what form were we using in</p> <p>3 August of 2010, okay, where would you go to see that</p> <p>4 information?</p> <p>5 A. We have a H share drive where some of the</p> <p>6 forms are kept.</p> <p>7 Q. H?</p> <p>8 A. It's just a drive on a network.</p> <p>9 Q. Okay. And what is the folder called that</p> <p>10 you would access to see that form?</p> <p>11 A. It's H drive interdepartmental share</p> <p>12 consent forms, something like that.</p> <p>13 Q. In what form are those forms contained in?</p> <p>14 In other words, are they in an Excel spreadsheet;</p> <p>15 are they Word forms? What -- what's the --</p> <p>16 A. Just the Word documents.</p> <p>17 Q. Word documents.</p> <p>18 And does -- and does the H share drive,</p> <p>19 does it list the forms by date?</p> <p>20 A. You can list it like that if you wanted</p> <p>21 to, just sort it.</p> <p>22 MR. O'NEIL: Mr. Francis, as you know,</p> <p>23 your firm recently issued a Rule 30b6</p> <p>24 deposition notice for one of the 19 topics that</p> <p>25 you were seeking testimony on related to the</p>

5 (Pages 17 to 20)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 21	Page 23
<p>1 policies and procedures of Sterling Infosystems 2 regarding its consent and disclosure forms. 3 We're still in the process of trying to reach 4 an agreement on all the other aspects of that 5 deposition notice. Mr. Nager hasn't been 6 prepared to testify in response to that topic, 7 as you could appreciate, and we haven't told 8 you that -- that he will be testifying. But, 9 obviously, you know, to the extent he's 10 providing testimony on that, we would believe 11 that that would be responsive to the Rule 30b6 12 notice. 13 MR. FRANCIS: Are you -- oh, so you -- are 14 you designating him for that? 15 MR. O'NEIL: No, I'm not, because I 16 haven't prepared him for that. 17 MR. FRANCIS: Okay. 18 MR. O'NEIL: But, you know, obviously, I 19 just want to put you on notice that, obviously, 20 you're going down this road and you have every 21 right to ask him these questions, but, you 22 know, I may come to the conclusion later on 23 that -- well, it doesn't really matter. I just 24 want to remind you that that's a subject of 25 your pending deposition notice.</p>	<p>1 A. Yes. 2 Q. Can you tell me what databases you have 3 access to? 4 A. My documents which is stored on my 5 computer and also on the network. 6 Q. Okay. 7 A. The compliance share drive. Salesforce. 8 Q. Anything else? 9 A. The main -- main drive, certain 10 different -- certain sections. All the 11 interdepartmental shares. 12 Q. Do you have access to the database out of 13 which the company provides background checks? 14 A. The tracker database I have access to, 15 which has the background checks for Sterling East. 16 Also, the Sterling West system that does background 17 checks. 18 Q. Okay. Sticking with your job duties and 19 responsibilities and as you've described them. One 20 of the other things you mentioned that you do is you 21 make recommendations for client's; correct? 22 A. Correct. 23 Q. Can you tell me what you meant by that. 24 A. Again, the credit example, what type of 25 positions to run credit reports on.</p>
Page 22	Page 24
<p>1 MR. FRANCIS: I'm aware of that. And the 2 reason I'm asking him is because he's outlined 3 that that's one of the things he does. And 4 what I'm really exploring right now is what he 5 does for the company and his background. So I 6 understand -- 7 MR. O'NEIL: Well, it sounds like you're 8 actually exploring, you know, the -- the 9 computer drives and folders, where those forms 10 are, but in any event, go ahead. 11 MR. FRANCIS: Okay. 12 13 BY MR. FRANCIS: 14 Q. Now, you mentioned that this -- this share 15 drive or this H drive that you have access to -- 16 A. Okay. 17 Q. -- in connection with your job at 18 Sterling, what databases do you have access to? 19 A. What do you mean by "what databases"? 20 Q. Well, what drives -- I know that you have 21 access to the share drive. In other words, in 22 connection with performing your duties at the 23 company, would I be correct in stating that you have 24 access to, at least, one or more of the databases 25 that the company maintains?</p>	<p>1 Q. Okay. Anything else? 2 A. Say for services, somebody might ask what 3 kind of -- to verify a professional license, such as 4 a bar exam. See if someone -- for an attorney, that 5 could be another recommendation. 6 Q. As part of your job duties and 7 responsibilities, do you have the authority to make 8 suggestions to the company? 9 A. To my company or to -- 10 Q. To your company. 11 A. I can make suggestions, but it doesn't 12 mean they'll be taken. 13 Q. Is it -- is it part of your job to make a 14 recommendation to a change in policy if you think 15 one needs to occur? 16 A. Yes. 17 Q. Have you done that in the course of your 18 employment at the company? 19 A. Yes. 20 Q. And I believe the last thing that you 21 mentioned that you do is attorney disputes? 22 A. Correct. 23 Q. Can you tell me what you mean by that? 24 A. If a letter was to come in from an 25 attorney disputing a background check, rather than</p>

6 (Pages 21 to 24)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 25	Page 27
<p>1 the applicant disputing the background check, I</p> <p>2 would correspond with the attorney.</p> <p>3 Q. Okay. So are -- if -- if the consumer</p> <p>4 retains a -- an attorney for the purpose of making a</p> <p>5 dispute about an error in a background check, and</p> <p>6 they send that to Sterling, does that get forwarded</p> <p>7 to you?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And what is your role in handling</p> <p>10 that dispute? What are you supposed to do?</p> <p>11 A. I'll correspond with the attorney. I'll</p> <p>12 forward the background -- the order number and</p> <p>13 the -- whatever the dispute is to our dispute team</p> <p>14 who will investigate it, then I'll correspond back</p> <p>15 with the attorney when -- when it's resolved or</p> <p>16 whatever the outcome is.</p> <p>17 Q. Do you have any input in terms of</p> <p>18 determining whether or not a dispute should be or</p> <p>19 that an error should be corrected or anything like</p> <p>20 that? Do you have any involvement in that?</p> <p>21 A. Almost none.</p> <p>22 Q. Okay. Is part of your job to answer any</p> <p>23 questions that other Sterling employees may have</p> <p>24 regarding its compliance procedures?</p> <p>25 A. Yes.</p>	<p>1 A. I might be asked a question about a</p> <p>2 policy, but typically policy development wouldn't</p> <p>3 come from me.</p> <p>4 Q. If there were a change in the law, for</p> <p>5 example, and that information is supposed to be</p> <p>6 communicated to other Sterling employees, would you</p> <p>7 have any role in helping to distribute that</p> <p>8 information?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So -- and -- and how would you do</p> <p>11 that? Would you do that by e-mail or --</p> <p>12 A. It depends on what the -- what the</p> <p>13 situation would be. It would probably be discussed</p> <p>14 with Joe Rotondo. And then it would either -- we</p> <p>15 draw up a communication, and then it would be</p> <p>16 distributed via e-mail or via Salesforce now.</p> <p>17 Q. Okay. And is part of your -- is part of</p> <p>18 your job, as either senior compliance manager or</p> <p>19 previously as compliance manager, to act as a</p> <p>20 liaison between the company and Jackson Lewis?</p> <p>21 A. Yes.</p> <p>22 Q. And what is your role and responsibility</p> <p>23 regarding interacting or interfacing with Joe</p> <p>24 Rotondo?</p> <p>25 A. He's my supervisor.</p>
Page 26	Page 28
<p>1 Q. So if somebody from another department has</p> <p>2 a question about one of Sterling's policies or</p> <p>3 procedures for complying with the Fair Credit</p> <p>4 Reporting Act, and they called you, it's within</p> <p>5 your -- scope of your -- your job duties to -- to</p> <p>6 answer that question; correct?</p> <p>7 A. Yes, I'd explain it to him.</p> <p>8 Q. Okay. And in connection with your job as</p> <p>9 either compliance manager or senior compliance</p> <p>10 manager, have you had any role in drafting or</p> <p>11 creating any memoranda or policy-related documents</p> <p>12 for the company?</p> <p>13 A. No, I typically don't draft document</p> <p>14 policy or work procedures.</p> <p>15 Q. Okay. How about e-mail documents?</p> <p>16 MR. O'NEIL: Objection. Vague.</p> <p>17 Q. You can answer.</p> <p>18 A. Okay. What do you mean by "e-mail</p> <p>19 documents"?</p> <p>20 Q. Well, as part of your job, has part --</p> <p>21 does part of your job, at all, involve sending</p> <p>22 e-mails to other company employees either clarifying</p> <p>23 or stating Sterling policies?</p> <p>24 A. Not really.</p> <p>25 Q. No?</p>	<p>1 Q. Is he who you report to?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any employees who report to</p> <p>4 you?</p> <p>5 A. No.</p> <p>6 Q. In connection with your job as either</p> <p>7 compliance manager or senior compliance manager,</p> <p>8 have you developed any familiarity with the types of</p> <p>9 information that appears on the background checks</p> <p>10 that Sterling sells to its clients?</p> <p>11 A. Yes.</p> <p>12 Q. And have you become familiar with the</p> <p>13 formatting and the appearance of the background</p> <p>14 checks that Sterling sells to its clients?</p> <p>15 A. Yes.</p> <p>16 Q. Are you familiar and/or have you gained</p> <p>17 familiarity with the process that occurs in response</p> <p>18 to a client requesting a background check on a</p> <p>19 particular job applicant?</p> <p>20 A. Yes.</p> <p>21 Q. Are you -- do you have familiarity with</p> <p>22 the databases and/or data sources for the</p> <p>23 information which is published on a Sterling</p> <p>24 background check?</p> <p>25 A. Some, not all.</p>

7 (Pages 25 to 28)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 29	Page 31
<p>1 Q. Which ones are you -- what -- what</p> <p>2 familiarity do you have?</p> <p>3 A. Well, education institutions, you go</p> <p>4 direct via institution in most cases, but in terms</p> <p>5 of criminal, there's different jurisdictions. Some</p> <p>6 county searches I know, some state searches I know,</p> <p>7 others I don't know as well.</p> <p>8 Q. Sterling uses a -- a database for its</p> <p>9 nationwide search; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Are you familiar with that source?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And in terms of the nationwide</p> <p>14 data -- data source that Sterling uses, is it still</p> <p>15 using Acxiom?</p> <p>16 A. No.</p> <p>17 Q. When did that end?</p> <p>18 A. A couple of months ago.</p> <p>19 Q. And what does it use -- who does it use</p> <p>20 now?</p> <p>21 A. I believe it's Experian.</p> <p>22 Q. Do you know the date more precisely?</p> <p>23 A. No.</p> <p>24 Q. Am I correct, though, that even though</p> <p>25 the -- the source of the data has changed from</p>	<p>1 not correct, but it's close.</p> <p>2 Q. What's his title or position?</p> <p>3 A. Something in vendor management.</p> <p>4 Q. Okay. In connection with coming to</p> <p>5 testify here today, did you review any documents?</p> <p>6 MR. O'NEIL: I object. I would ask you to</p> <p>7 exclude from your answer beyond this question</p> <p>8 any documents that you reviewed with me or that</p> <p>9 I showed to you. But you go ahead, you could</p> <p>10 answer the question.</p> <p>11 A. Just a couple of -- the -- the Sanchez</p> <p>12 background check report.</p> <p>13 Q. Okay. You reviewed a report -- a</p> <p>14 background check that Sterling performed on the</p> <p>15 plaintiff in this case, Mr. Sanchez?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Any other non-attorney client</p> <p>18 documents; right? In other words, I -- I don't want</p> <p>19 to know anything that -- what came from Mr. O'Neil's</p> <p>20 office. Okay. But I am curious about any documents</p> <p>21 that Sterling maintains.</p> <p>22 A. No.</p> <p>23 MR. O'NEIL: Again, same instruction. I</p> <p>24 would not ask -- I'd ask you not to reveal the</p> <p>25 documents that I showed you in preparation for</p>
Page 30	Page 32
<p>1 Acxiom to Experian, that the data from which</p> <p>2 Sterling gets information for the nationwide part of</p> <p>3 its search comes from a database maintained by</p> <p>4 Experian?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. It is not getting that data</p> <p>7 directly from courts; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 MR. O'NEIL: You say "it"; you meant</p> <p>11 Sterling, not Experian; right?</p> <p>12 Q. Sterling is getting it not from the</p> <p>13 courts; right? It's getting it from -- from</p> <p>14 Experian; correct?</p> <p>15 A. Correct. Yes.</p> <p>16 Q. Do you know -- who at the company would</p> <p>17 be, in your mind, the most familiar -- the person</p> <p>18 most familiar with the type of data that Sterling</p> <p>19 obtains from Experian regarding the nationwide</p> <p>20 search?</p> <p>21 A. Probably Glen Rambarron.</p> <p>22 Q. Okay.</p> <p>23 THE COURT REPORTER: Glen? What was his</p> <p>24 last name?</p> <p>25 THE WITNESS: R-A-M-B-A-R-R-O-N. Probably</p>	<p>1 the deposition.</p> <p>2 A. No, I did not.</p> <p>3 Q. Okay. Did you review any of the consent</p> <p>4 and disclosure forms that the company has used over</p> <p>5 the course of time?</p> <p>6 A. No.</p> <p>7 MR. O'NEIL: Same instruction.</p> <p>8 A. No.</p> <p>9 Q. No.</p> <p>10 Did you review any memoranda that -- or</p> <p>11 e-mail correspondence that you authored?</p> <p>12 A. No.</p> <p>13 Q. Okay. Other than speaking with Mr. O'Neil</p> <p>14 or -- or somebody from his office, did you discuss</p> <p>15 your deposition today with anyone at the company?</p> <p>16 A. What do you mean by "discussed"? I said</p> <p>17 that I was going, but not --</p> <p>18 Q. And who did --</p> <p>19 A. -- not in preparation of.</p> <p>20 Q. Okay. Who did you talk to?</p> <p>21 A. Joe Rotondo.</p> <p>22 Q. Okay. Anybody other than Mr. Rotondo?</p> <p>23 A. No.</p> <p>24 Q. Okay. Prior to -- to telling him that you</p> <p>25 were going to come here to testify today, did you --</p>

8 (Pages 29 to 32)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 33	Page 35
<p>1 have you discussed this case with Mr. Rotondo?</p> <p>2 A. Yes.</p> <p>3 Q. On how many different occasions?</p> <p>4 A. Five, six, maybe more.</p> <p>5 Q. And what would have been the topic of your</p> <p>6 discussions?</p> <p>7 MR. O'NEIL: I -- I would ask Mr. Nager to</p> <p>8 exclude from his answer any discussions where</p> <p>9 either lawyers were present or the discussions</p> <p>10 were driven by questions asked by the lawyers.</p> <p>11 Q. Mr. O'Neil is correct with that. So if</p> <p>12 you talked to Mr. Rotondo by yourself, on the phone,</p> <p>13 at the office, and no one else is around, I want to</p> <p>14 know that. If Mr. O'Neil is --</p> <p>15 A. Okay.</p> <p>16 Q. -- there, don't tell me about that.</p> <p>17 MR. O'NEIL: Oh, no, my instruction was</p> <p>18 larger than that. If you had that -- if you</p> <p>19 had that conversation because you were trying</p> <p>20 to assist counsel or you had the conversation</p> <p>21 at the request of counsel, I would also ask you</p> <p>22 to exclude those conversations from your</p> <p>23 answer.</p> <p>24 A. Okay. Probably when the initial dispute</p> <p>25 came in -- well, not when the initial dispute came</p>	<p>1 MR. O'NEIL: Objection. Vague.</p> <p>2 Q. You can answer.</p> <p>3 A. No -- that would really -- any lawsuits</p> <p>4 that come in that -- decisions to be made, would</p> <p>5 probably be made by Joe Rotondo, Andrew Porter, at</p> <p>6 this point. The other executives would be involved</p> <p>7 as well, along with attorneys.</p> <p>8 MR. FRANCIS: Okay. Can you shut off the</p> <p>9 video for a second.</p> <p>10 THE VIDEOGRAPHER: 10:41. Off the record.</p> <p>11</p> <p>12 (A recess was taken.)</p> <p>13</p> <p>14 THE VIDEOGRAPHER: It's 10:44. On the</p> <p>15 record.</p> <p>16</p> <p>17 BY MR. FRANCIS:</p> <p>18 Q. Just to ask -- just to -- to finish some</p> <p>19 questions about your job duties and your position at</p> <p>20 the company.</p> <p>21 Does any part of your job, or has any part</p> <p>22 of your job since you've been a compliance manager</p> <p>23 at Sterling, involve overseeing the -- the company's</p> <p>24 compliance procedures regarding Section 1681k of the</p> <p>25 Fair Credit Reporting Act?</p>
Page 34	Page 36
<p>1 in, but when the lawsuit came in, we probably</p> <p>2 discussed it. And then afterwards, when</p> <p>3 investigating the case in further detail, we would</p> <p>4 discuss it again to see what the situation was.</p> <p>5 Q. Okay. Is -- is part of your -- does -- does --</p> <p>6 any part of your job involve assisting the company</p> <p>7 with defense of litigation?</p> <p>8 A. What do you mean by that?</p> <p>9 Q. Either gathering information?</p> <p>10 A. Yes.</p> <p>11 Q. So -- okay. So it's one of the things</p> <p>12 that's -- if somebody sues Sterling, either an</p> <p>13 individual case or a class action, you -- you and</p> <p>14 Mr. Rotondo will have a role in that; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And one of the things you'll do is</p> <p>17 you'll gather documents for the lawyers; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And is another thing that you will</p> <p>20 do is perform an investigation to find out what</p> <p>21 happened at the company?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you -- do you make any decisions</p> <p>24 regarding what to do about an -- an existing</p> <p>25 lawsuit?</p>	<p>1 MR. O'NEIL: Objection. Vague.</p> <p>2 A. Can you explain further, please.</p> <p>3 Q. Sure. Are you familiar with something</p> <p>4 called a 613 letter?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What is your understanding of that?</p> <p>7 A. If you're sending -- if you're getting</p> <p>8 information from a database, you send it out to the</p> <p>9 consumer, the 613 letter.</p> <p>10 Q. Okay. And so -- just so we're on the same</p> <p>11 page here, you're referring to Section 613 of the</p> <p>12 Fair Credit Reporting Act; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. When you say that, that's what you</p> <p>15 mean; right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Are you familiar with what your</p> <p>18 company does, if anything, to comply with Section</p> <p>19 613 of the Fair Credit Reporting Act?</p> <p>20 A. We do primary source search from -- for</p> <p>21 any record that's found in a database.</p> <p>22 Q. Okay. What does that mean?</p> <p>23 A. We go direct to the county or the state.</p> <p>24 Q. Okay. Is -- are you saying that you --</p> <p>25 that the company does not send 613 letters?</p>

9 (Pages 33 to 36)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 37	Page 39
<p>1 A. Correct.</p> <p>2 Q. For any client?</p> <p>3 A. There may be some exceptions, but the</p> <p>4 majority of them, I think, have been stopped.</p> <p>5 Q. Okay. Would you agree with me that at one</p> <p>6 point your company did send 613 letters?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know when that process ceased?</p> <p>9 A. No.</p> <p>10 Q. Do you know whether that was employer</p> <p>11 by -- or -- in a -- a client-by-client situation or</p> <p>12 whether that was a time period issue?</p> <p>13 A. Majority of it was a time period, and</p> <p>14 it -- the majority of clients were switched over.</p> <p>15 There were probably some holdovers that</p> <p>16 were done slowly after the initial time period</p> <p>17 change.</p> <p>18 Q. Okay. Is it your testimony today that the</p> <p>19 company does not send 613 letters for anything?</p> <p>20 A. No. They may still --</p> <p>21 Q. What's --</p> <p>22 A. -- they may still -- they may still do it</p> <p>23 for some clients.</p> <p>24 Q. Okay. Does your company send 613 letters</p> <p>25 in connection with the nationwide Experian based</p>	<p>1</p> <p>2</p> <p>3 (Plaintiff's Exhibit 1,</p> <p>4 STERLING TESTING SYSTEMS DOCUMENT,</p> <p>5 BATES STAMP NOS. DEF00001 -</p> <p>6 DEF00007, was marked for identification.)</p> <p>7</p> <p>8 Q. Mr. Nager, I'm handing you a document that</p> <p>9 has been marked as Plaintiff's Exhibit Number 1. My</p> <p>10 intention is to ask you some questions about it, but</p> <p>11 before I do I want to make sure you understand what</p> <p>12 it is and you can testify about it. So please take</p> <p>13 a minute, take a look at it. It should have the</p> <p>14 numbers DEF-1 through 7 in the lower right corner.</p> <p>15 Please take a moment to look at it and tell me when</p> <p>16 you're ready for me to ask you questions about it.</p> <p>17 A. (Witness reviews document.) Okay.</p> <p>18 Q. Are you ready?</p> <p>19 A. I am.</p> <p>20 Q. Can you identify this document?</p> <p>21 A. This is the Jose Sanchez -- well, two Jose</p> <p>22 Sanchez reports.</p> <p>23 Q. Okay. Is this the document that you</p> <p>24 testified earlier about that you reviewed prior to</p> <p>25 coming here to testify today?</p>
Page 38	Page 40
<p>1 search?</p> <p>2 MR. O'NEIL: Objection. Vague.</p> <p>3 Q. You can answer.</p> <p>4 MR. O'NEIL: Assumes facts not in</p> <p>5 evidence.</p> <p>6 A. Again, there could be some exceptions, but</p> <p>7 the majority of clients, no.</p> <p>8 Q. Okay. And is it your testimony that</p> <p>9 the -- the way that your company test -- or -- or</p> <p>10 complies with Section 613 of the Fair Credit</p> <p>11 Reporting Act is by ensuring strict procedures?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Rather than sending the letter;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 A. It's the primary source search.</p> <p>18 Q. And just to be clear, when you say</p> <p>19 "primary source search," you mean the actual what?</p> <p>20 A. After doing the nationwide, we'll follow</p> <p>21 it up with a county or a state search to confirm the</p> <p>22 information.</p> <p>23 Q. Okay.</p> <p>24 MR. FRANCIS: Let's mark this as</p> <p>25 Plaintiff's Exhibit Number 1, please.</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And this is a -- we're looking at</p> <p>3 two reports that Sterling prepared regarding Jose</p> <p>4 Sanchez; correct?</p> <p>5 A. Correct.</p> <p>6 Q. All right. And in this case the reports</p> <p>7 were -- were sold to a client of Sterling Testing</p> <p>8 Systems, SBM Site Services; correct?</p> <p>9 A. Correct.</p> <p>10 Q. All right. And are you able to identify</p> <p>11 when Sterling sold this background check about Mr.</p> <p>12 Sanchez?</p> <p>13 A. It looks like August of 2010.</p> <p>14 Q. Okay. Now, before we get into Mr.</p> <p>15 Sanchez's information, or the information that</p> <p>16 supposedly -- supposedly pertains to him, I want to</p> <p>17 ask you some questions about the formatting of this</p> <p>18 report.</p> <p>19 A. Okay.</p> <p>20 Q. Do you remember when I asked you</p> <p>21 previously whether or not you were familiar with</p> <p>22 the -- the general formatting of Sterling background</p> <p>23 checks?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Is -- is the report that Sterling</p>

10 (Pages 37 to 40)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 41	Page 43
<p>1 sold about Mr. Sanchez to SBM Site Services typical</p> <p>2 of the format that it prepares for other clients?</p> <p>3 A. For Sterling East clients, yes.</p> <p>4 Q. Okay. What do you mean by "Sterling East</p> <p>5 clients"?</p> <p>6 A. Sterling West and Sterling Ohio are on</p> <p>7 different platforms. The reports look different.</p> <p>8 Q. Okay. Let's -- okay. When you say</p> <p>9 "Sterling East," what does that mean?</p> <p>10 A. It would be reports that are run through</p> <p>11 our tracker system and clients that sign on to our</p> <p>12 east portal.</p> <p>13 THE COURT REPORTER: I'm sorry?</p> <p>14 THE WITNESS: Tracker system.</p> <p>15 A. And the clients sign on to our east</p> <p>16 system.</p> <p>17 Q. Okay. And now, is that -- is that</p> <p>18 division based geographically? You keep saying,</p> <p>19 "Sterling East," so does that mean to suggest that</p> <p>20 the clients that get reports like this are from the</p> <p>21 east, or can you be a little more specific about the</p> <p>22 breakdown?</p> <p>23 A. The -- when we say "the east platform,"</p> <p>24 those are clients that signed up with Sterling, and</p> <p>25 they weren't either signed up with one of the other</p>	<p>1 this part of the report?</p> <p>2 A. Name, address, social security number,</p> <p>3 depending on which view we see it in. Date of</p> <p>4 birth. Phone sometimes, but not often. It might</p> <p>5 have a previous address.</p> <p>6 Q. Okay. Is the information that's contained</p> <p>7 in "Subject Profile," is that information that comes</p> <p>8 from the employer, or is that information provided</p> <p>9 by Sterling or both?</p> <p>10 A. It depends on the situation.</p> <p>11 Q. How about this situation?</p> <p>12 A. Can't tell.</p> <p>13 Q. Okay. Does this -- does the information</p> <p>14 contained under "Subject Profile," does this include</p> <p>15 input data from the employer?</p> <p>16 A. It could either be inputted -- that's why</p> <p>17 I can't tell you. You can you either input by the</p> <p>18 employer, or it could have been in -- inputted by</p> <p>19 Sterling.</p> <p>20 Q. Okay. In what instances would it be</p> <p>21 inputted by Sterling?</p> <p>22 A. Some clients would just fax us the</p> <p>23 information. We might get the consent form faxed to</p> <p>24 us, if they have a standard order, or it might even</p> <p>25 have like an order cover sheet, and then we would</p>
Page 42	Page 44
<p>1 companies that we acquired or transferred over to</p> <p>2 one of the other company's platforms.</p> <p>3 Q. I see. So these are original Sterling</p> <p>4 clients --</p> <p>5 A. Correct.</p> <p>6 Q. -- largely?</p> <p>7 A. A majority of them, yes.</p> <p>8 Q. Okay. As opposed to clients of Acxiom</p> <p>9 Information Systems, right, things like that?</p> <p>10 A. Correct. Yes.</p> <p>11 Q. All right. Okay. So for the Sterling</p> <p>12 East system, right, the Sanchez report that it sold</p> <p>13 to SBM is typical of the format of the -- of the</p> <p>14 reports it would sell to other employers; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Anything atypical about the format?</p> <p>17 A. No.</p> <p>18 Q. Okay. Okay. Let me -- I just want to</p> <p>19 take you through this report a little bit. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. If you look at the first heading, "Subject</p> <p>22 Profile," do you see that? This, right here.</p> <p>23 (Indicating.)</p> <p>24 A. Yes.</p> <p>25 Q. Okay. What information, typically, is in</p>	<p>1 input it.</p> <p>2 Q. I see. Do -- do some clients simply put</p> <p>3 the input data in by themselves online?</p> <p>4 A. The majority of them do.</p> <p>5 Q. Okay. But other ones will fax you the --</p> <p>6 the client's information and -- and then you guys do</p> <p>7 it; right?</p> <p>8 A. Yes, but that's a minority at this point.</p> <p>9 Q. And is the information that is used to run</p> <p>10 the report by Sterling, is that information that is</p> <p>11 contained on the consent disclosure information?</p> <p>12 A. Majority of the time, yes.</p> <p>13 Q. Okay. All right. And then if you go down</p> <p>14 to the next -- the second -- the third heading,</p> <p>15 "Result Status." Can you tell me what information</p> <p>16 is typically contained in that section of the -- of</p> <p>17 the report.</p> <p>18 A. It lists out the services and a summary of</p> <p>19 the findings.</p> <p>20 Q. Okay. And the services are on the left;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. All right. And one of the services listed</p> <p>24 here is a "criminal." Do you see that?</p> <p>25 A. Correct.</p>

11 (Pages 41 to 44)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 45	Page 47
<p>1 Q. Is that a -- is that a standard type of</p> <p>2 service that Sterling will provide for its clients?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And what -- what typically is</p> <p>5 contained in a criminal report?</p> <p>6 A. The most common would be county searches.</p> <p>7 Q. Okay. And that was done in this case;</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. All right. And is that something that's</p> <p>11 typically run, criminal?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And under the finding there's</p> <p>14 the word "alert." Do you see that?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And what does that</p> <p>17 communicate?</p> <p>18 A. Basically, that the client should look at</p> <p>19 it.</p> <p>20 Q. Okay. What determines whether or not it</p> <p>21 gets an alert or gets a clear?</p> <p>22 A. If there's nothing found, it's a clear.</p> <p>23 If it's anything reportable to a client, it would</p> <p>24 get an alert.</p> <p>25 Q. Okay. It doesn't matter whether it's a</p>	<p>1 A. Correct.</p> <p>2 Q. All right. Now, if you go under the</p> <p>3 word -- under the heading "criminal results," and</p> <p>4 then under that "report," right, there's information</p> <p>5 which appears here; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Can you summarize the information which</p> <p>8 appears here?</p> <p>9 A. It has the applicant's name, Jose Sanchez;</p> <p>10 some of their information, the charges, the plea,</p> <p>11 the disposition, sentence.</p> <p>12 Q. Okay. So am I correct that in connection</p> <p>13 with this background check that Sterling sold to SBM</p> <p>14 about Mr. Sanchez, it reported one or more records?</p> <p>15 A. Correct.</p> <p>16 Q. All right. And it reported a -- here,</p> <p>17 what, a misdemeanor record?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, there are dates at the top of</p> <p>20 that record. If you look status, "closed, open date</p> <p>21 and time." Can you tell me what those times mean?</p> <p>22 A. The "open date and time" is when the</p> <p>23 search was initiated. The "close date and time" is</p> <p>24 when we closed it in our system. And that</p> <p>25 particular county search was considered complete.</p>
Page 46	Page 48
<p>1 misdemeanor or felony?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 A. There's some minor, let's say, traffic</p> <p>5 violations that wouldn't be -- that would be</p> <p>6 transmitted to a client.</p> <p>7 Q. Okay. And is Sterling the one who comes</p> <p>8 up with the word "alert"? That's Sterling's</p> <p>9 language; right?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And that's Sterling's finding;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And then underneath that there</p> <p>15 is an "SS trace" service. Do you see that?</p> <p>16 A. Correct.</p> <p>17 Q. What is that service?</p> <p>18 A. It's basically used to figure out where to</p> <p>19 run the criminal history searches.</p> <p>20 Q. Okay. And is that a service which is</p> <p>21 typically run in connection with a background check?</p> <p>22 A. Majority of our clients do.</p> <p>23 Q. Okay. Not unusual --</p> <p>24 A. Yes.</p> <p>25 Q. -- correct?</p>	<p>1 Q. Okay. And the -- the record here, not the</p> <p>2 specific one, but is the information about this</p> <p>3 misdemeanor, is this typical of the way such</p> <p>4 information would look?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Anything unusual or atypical</p> <p>7 about the way this particular criminal record looks</p> <p>8 here?</p> <p>9 A. The only thing is that the date of birth</p> <p>10 on court file is not complete.</p> <p>11 Q. Where do you -- where are you looking at</p> <p>12 that? I see. You're --</p> <p>13 A. "Date of birth on court file."</p> <p>14 Q. Okay. What information is usually there?</p> <p>15 A. Sometimes we'll get -- usually, we'll get</p> <p>16 more information. We'll get the full date of birth.</p> <p>17 Q. Where is that coming from? Is that coming</p> <p>18 from the court?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. So in response to this request from</p> <p>21 SBM, Sterling did something to retrieve this record;</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. Can you tell me -- are you -- are you able</p> <p>25 to tell me what would have been done to return this</p>

12 (Pages 45 to 48)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 49	Page 51
<p>1 record?</p> <p>2 A. For this jurisdiction, I can't</p> <p>3 specifically say how we fulfill it. But we would</p> <p>4 contact the court or whatever state agency or county</p> <p>5 agency that we went to, and either through a</p> <p>6 computer terminal, integration, computer Web site or</p> <p>7 court -- court researcher, get the information and</p> <p>8 bring it back.</p> <p>9 Q. Okay. Are you saying that in connection</p> <p>10 with a request for a background check like this one</p> <p>11 by SBM, that somebody at Sterling logs into a</p> <p>12 court's system online and tries to grab the --</p> <p>13 obtain the record?</p> <p>14 A. It depends on the jurisdiction, but that's</p> <p>15 one method.</p> <p>16 Q. Okay. Now, do you know whether or not</p> <p>17 when the record -- when it -- when it does that --</p> <p>18 strike that.</p> <p>19 Are you able to tell in -- in this</p> <p>20 particular case whether that's how this was done?</p> <p>21 A. No.</p> <p>22 Q. Are you able to tell whether or not this</p> <p>23 was accessed online or whether somebody went to the</p> <p>24 courthouse or otherwise?</p> <p>25 A. That, I don't know.</p>	<p>1 A. It depends on the jurisdiction, I would</p> <p>2 say. Some jurisdictions probably have more</p> <p>3 information online than others.</p> <p>4 Q. Okay. But -- but somebody is not going</p> <p>5 and -- and photocopying the entire court file;</p> <p>6 correct?</p> <p>7 MR. O'NEIL: Objection. Are you asking</p> <p>8 about this particular report you put in front</p> <p>9 of him or generally?</p> <p>10 Q. Well, I'm asking you generally.</p> <p>11 A. In some cases we do send researchers;</p> <p>12 other cases we don't.</p> <p>13 Q. Okay. And when you don't, you're actually</p> <p>14 getting the -- the information that's available</p> <p>15 online; correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. And if that's not the actual</p> <p>18 full file, you're just getting the information</p> <p>19 that's online; correct?</p> <p>20 MR. O'NEIL: Objection. Vague. Assumes</p> <p>21 facts not in evidence.</p> <p>22 Q. You can answer.</p> <p>23 A. After -- if we don't have complete</p> <p>24 information, and we can't -- can't figure out if</p> <p>25 we're supposed to be reporting it, we would send --</p>
Page 50	Page 52
<p>1 Q. Okay. Am I correct that -- that generally</p> <p>2 if somebody is going -- somebody from Sterling is</p> <p>3 going to fulfill a background request, the majority</p> <p>4 of the time they're going to try to do that online?</p> <p>5 A. Majority we -- we try and accomplish</p> <p>6 through integrations.</p> <p>7 Q. Okay.</p> <p>8 A. Others, we'll go to the court Web sites,</p> <p>9 that's another popular method.</p> <p>10 Q. Okay. When you say "integrations," what</p> <p>11 do you mean by that?</p> <p>12 A. It's a computer system that would,</p> <p>13 basically, retrieve the information.</p> <p>14 Q. I see. From the court record?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. So the court -- so the system is</p> <p>17 doing it itself; is that what you're saying?</p> <p>18 A. I would say -- say that, yes.</p> <p>19 Q. Okay. And is the information that the --</p> <p>20 that Sterling is getting from the court record, the</p> <p>21 actual full, complete file or just the summary</p> <p>22 information which is available online?</p> <p>23 MR. O'NEIL: Objection. Vague. Assumes</p> <p>24 facts not in evidence.</p> <p>25 Q. You can answer.</p>	<p>1 then have to send a researcher.</p> <p>2 Q. Okay.</p> <p>3 A. Or try and call. We would try that first.</p> <p>4 Q. But if you're able to get information, but</p> <p>5 it's about the -- about the record that's available</p> <p>6 online, you used that; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. What determines whether or not</p> <p>9 Sterling fulfills a background check request, either</p> <p>10 in an automated way by the computer or by somebody</p> <p>11 actually going out there?</p> <p>12 MR. O'NEIL: Objection. Lack of</p> <p>13 foundation.</p> <p>14 Q. You can answer.</p> <p>15 A. It really depends on the jurisdiction.</p> <p>16 Is -- is it even available to do online or through</p> <p>17 an integration, some are not. It could be</p> <p>18 jurisdiction that even if it is available, we have</p> <p>19 such a small volume that it's not worth the expense</p> <p>20 to integrate. Those are -- pretty much figure it</p> <p>21 out, those would be the circumstances.</p> <p>22 Q. Okay. Are you able to know whether or not</p> <p>23 the information that Sterling returned to -- to SBM</p> <p>24 about this misdemeanor record we're looking at was</p> <p>25 the full and complete court record pertaining to</p>

13 (Pages 49 to 52)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 53	Page 55
<p>1 this record?</p> <p>2 A. That, I don't know.</p> <p>3 Q. Okay. Other than obtaining the actual --</p> <p>4 going to the -- the actual court, do you know how</p> <p>5 you would find that out?</p> <p>6 A. No.</p> <p>7 Q. Okay. Would somebody like Mr. Rambarron</p> <p>8 be familiar with the information that was returned</p> <p>9 on -- on a record like this?</p> <p>10 A. What do you mean "the information"?</p> <p>11 Q. In other words, whether or not it was a</p> <p>12 summary information or whether it was the entire</p> <p>13 file or whether it was the complete record. Who</p> <p>14 would know the answer to that?</p> <p>15 A. Glen -- Mr. Rambarron would know what</p> <p>16 comes back from the particular jurisdiction.</p> <p>17 Q. Okay. He would.</p> <p>18 A. If he didn't know it off the top of his</p> <p>19 head, he would have access to it.</p> <p>20 Q. Okay. And just to add a little more teeth</p> <p>21 to this, where -- where did the information which</p> <p>22 appears on page 1 of Plaintiff's Exhibit Number 1,</p> <p>23 where did this come from?</p> <p>24 MR. O'NEIL: Objection. Asked and</p> <p>25 answered. He already explained to you he</p>	<p>1 Sterling would return in connection with any</p> <p>2 request?</p> <p>3 MR. O'NEIL: Objection. Vague.</p> <p>4 Q. You can answer.</p> <p>5 A. Typically, yes.</p> <p>6 Q. Okay.</p> <p>7 A. Aside from the date of birth that was</p> <p>8 mentioned earlier.</p> <p>9 Q. Okay. You don't know anything, you know,</p> <p>10 which would lead you to believe that Sterling</p> <p>11 followed a different process from its usual process</p> <p>12 in connection with fulfilling this request from SBM;</p> <p>13 right?</p> <p>14 A. No.</p> <p>15 Q. All right. Okay. And would you turn your</p> <p>16 attention to the second page, please.</p> <p>17 Am I correct that on this page this shows</p> <p>18 that Sterling returned a second criminal record to</p> <p>19 SBM concerning Mr. Sanchez?</p> <p>20 A. Correct.</p> <p>21 Q. All right. And this second record was a</p> <p>22 possession of a controlled substance; correct?</p> <p>23 A. Correct.</p> <p>24 Q. All right. And was this also from the</p> <p>25 Providence, Rhode Island source?</p>
Page 54	Page 56
<p>1 doesn't know.</p> <p>2 Q. No, you -- you can answer.</p> <p>3 A. Are you saying -- Providence, Rhode</p> <p>4 Island --</p> <p>5 Q. Yes.</p> <p>6 A. -- are you asking?</p> <p>7 Q. Yeah. Yeah.</p> <p>8 A. Yes. It came from -- the jurisdiction is</p> <p>9 Providence, Rhode Island.</p> <p>10 Q. Okay. So a court in Providence, Rhode</p> <p>11 Island; correct?</p> <p>12 A. Correct.</p> <p>13 Q. All right.</p> <p>14 A. A court or whatever source that we</p> <p>15 actually use for Providence, Rhode Island.</p> <p>16 Q. I see.</p> <p>17 And would I be correct in stating that for</p> <p>18 each jurisdiction, such as Providence, Rhode Island,</p> <p>19 the company has a standard method of retrieving</p> <p>20 information from that jurisdiction?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And so, in connection with the</p> <p>23 report sold about Mr. Sanchez, the information that</p> <p>24 was obtained from the Providence, Rhode Island</p> <p>25 source, this is typical of the information that</p>	<p>1 A. Yes.</p> <p>2 Q. Anything atypical about Sterling's</p> <p>3 reporting this record back to SBM?</p> <p>4 A. Aside from just the date of birth, no.</p> <p>5 Q. Okay. Are there -- when you look at the</p> <p>6 date of birth, are you talking about where the</p> <p>7 asterisks appear?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And does that happen sometimes, the</p> <p>10 date of birth -- the full date of birth doesn't come</p> <p>11 back from the source?</p> <p>12 A. Yes.</p> <p>13 Q. It does?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So that's not that unusual; right?</p> <p>16 A. No.</p> <p>17 Q. Okay. And am I correct that, as</p> <p>18 demonstrated on page 2 of Plaintiff's Exhibit Number</p> <p>19 1, Sterling actually returned a third criminal</p> <p>20 record regarding Mr. Sanchez to SBM?</p> <p>21 A. Correct.</p> <p>22 Q. All right. And that record is the --</p> <p>23 relates to a -- an apparent charge of possession of</p> <p>24 marijuana and obstructing a police officer; correct?</p> <p>25 A. Correct.</p>

14 (Pages 53 to 56)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 57	Page 59
<p>1 Q. Okay. And was that -- was this</p> <p>2 information obtained from the same source as the</p> <p>3 other two?</p> <p>4 A. It appears to be, yes, Providence, Rhode</p> <p>5 Island.</p> <p>6 Q. Okay. Any reason to believe that</p> <p>7 Sterling's standard procedure and process for</p> <p>8 fulfilling a background check wasn't followed in</p> <p>9 this case?</p> <p>10 A. No.</p> <p>11 Q. All right. Is the -- is the format of the</p> <p>12 information and the appearance of it consistent with</p> <p>13 Sterling's other reports?</p> <p>14 A. Yes.</p> <p>15 Q. All right. All right. Would you turn</p> <p>16 your attention to page 3 of -- of Plaintiff's</p> <p>17 Exhibit Number 1, please.</p> <p>18 And would I be correct in stating that</p> <p>19 Sterling, also, in addition to looking for the three</p> <p>20 records we've gone over already, also queried the</p> <p>21 nationwide database?</p> <p>22 A. Correct.</p> <p>23 Q. All right. It didn't find anything there,</p> <p>24 though, right?</p> <p>25 A. Correct.</p>	<p>1 information that was obtained by Sterling and</p> <p>2 provided to SBM in connection with this section of</p> <p>3 the report?</p> <p>4 A. No.</p> <p>5 Q. Turn -- if you would turn to the next</p> <p>6 page, please. Can you identify this part of</p> <p>7 Plaintiff's Exhibit Number 1?</p> <p>8 A. This is a -- the report for Jose Sanchez.</p> <p>9 Q. Okay. Different report than the first</p> <p>10 thing we were going over?</p> <p>11 A. It's the same report number.</p> <p>12 Q. Okay.</p> <p>13 A. And it looks to have been amended.</p> <p>14 Q. All right. Do you know how this would</p> <p>15 have -- this document would have come about?</p> <p>16 A. Typically, an applicant would have filed a</p> <p>17 dispute, and then we'd reissue the report to the</p> <p>18 employer and send a copy to the applicant.</p> <p>19 Q. Do you know if -- if the applicant in this</p> <p>20 case, Mr. Sanchez, initiated a dispute?</p> <p>21 A. That, I don't know.</p> <p>22 Q. Okay. Do you know how this report came</p> <p>23 about or came to be generated?</p> <p>24 A. Somebody initiated a dispute, and we would</p> <p>25 have amended it.</p>
Page 58	Page 60
<p>1 Q. All right. Do you know whether or not the</p> <p>2 database that was queried in connection with the</p> <p>3 Sanchez report was the Acxiom or Experian database?</p> <p>4 A. This would have been Acxiom.</p> <p>5 Q. Okay. Would you turn your attention to</p> <p>6 page 4, please.</p> <p>7 What information is generally contained</p> <p>8 here -- well, strike that.</p> <p>9 Here's -- this, page 4 of Plaintiff's</p> <p>10 Exhibit Number 1, has a heading "SS Trace Results."</p> <p>11 Do you see that?</p> <p>12 A. Correct.</p> <p>13 Q. Putting aside anything pertaining to Mr.</p> <p>14 Sanchez, what information is generally contained on</p> <p>15 a page like this?</p> <p>16 A. Typically, it will -- has -- has the</p> <p>17 applicant's name, any name variations. Often we'll</p> <p>18 have maiden name. It will have their social</p> <p>19 security number, which it mathematically will figure</p> <p>20 out if it was valid. If it was reported deceased,</p> <p>21 the social security number would say that as well.</p> <p>22 The date issued -- well, the approximate date</p> <p>23 issued. Then it also lists out the address history</p> <p>24 for the applicant.</p> <p>25 Q. Okay. Is there anything unusual about the</p>	<p>1 Q. Okay. Are you able to determine from</p> <p>2 looking at this document when that dispute would</p> <p>3 have been investigated?</p> <p>4 A. No.</p> <p>5 Q. Okay. Underneath the result status,</p> <p>6 there -- there is a heading "finding." Do you see</p> <p>7 that?</p> <p>8 A. Correct.</p> <p>9 Q. And then there -- here it reads, "clear."</p> <p>10 Do you see that?</p> <p>11 A. Correct.</p> <p>12 Q. And what does that mean in -- in Sterling</p> <p>13 parlance?</p> <p>14 A. No criminal records were found.</p> <p>15 Q. Do you know what, if anything, Sterling</p> <p>16 did to determine, in connection with this report,</p> <p>17 that DEF-5, that there were no criminal records</p> <p>18 which pertain to Mr. Sanchez?</p> <p>19 A. To this particular report, I can't say</p> <p>20 exactly what was done. I can say what we would</p> <p>21 typically do to investigate.</p> <p>22 Q. Okay. What would you typically do?</p> <p>23 A. Contact the court, see if we can get more</p> <p>24 information on the record, try and confirm something</p> <p>25 else on the report. It could be driver's license</p>

15 (Pages 57 to 60)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 61	Page 63
<p>1 number that they might have on file. It could be 2 part of a social. 3 Q. In this case, do you know why Sterling 4 found the criminal result to be clear? 5 A. We must have reinvestigated it and 6 confirmed something else that it wasn't him. 7 Q. Okay. Do you know what that data was that 8 it was confirmed? 9 A. No. 10 Q. Do you know who was involved in doing 11 that? 12 A. Not off the top of my head. 13 Q. Okay. Would -- would Sterling's record -- 14 strike. 15 Does Sterling maintain records regarding 16 consumer disputes and/or any action taken by the 17 company in response to a consumer dispute? 18 A. Yes. 19 Q. And would that record reveal the names of 20 any Sterling employees who would have taken any 21 action with regard to this dispute? 22 A. Today, yes. 23 Q. How about at -- at this time? 24 A. Possibly, the record keeping may not have 25 been as good at that time.</p>	<p>1 A. I think she's now in vendor management, 2 but I'm not positive. 3 Q. Okay. And another name that I've seen is 4 a Gianie Kim. Does that name ring a bell to you? 5 A. Yes. 6 Q. Who is Gianie Kim? 7 A. She works in our client services 8 department. 9 Q. How long have you known Miss Kim? 10 A. Two years maybe. I'm just guessing. I 11 don't -- I'm not quite -- since she's been with the 12 company, but I'm not quite sure how long that's 13 been. 14 Q. Have you had any discussions with Miss Kim 15 about your testimony today or her coming to appear 16 here later on today? 17 A. No. 18 Q. Have you had any discussions with her 19 about this case? 20 A. We may have talked about the report when 21 initially investigating what happened. 22 Q. Do you have a memory or recollection of 23 that? 24 A. Not really. If this was her client, we 25 probably would have asked her though.</p>
Page 62	Page 64
<p>1 Q. Why not? What changed? 2 A. Just not everything was logged in 3 Salesforce properly, and we just redefined the 4 procedure to put more details. 5 Q. Okay. Is Salesforce the database which 6 documents consumer disputes and/or the company's 7 responses to those disputes? 8 A. Yes. 9 Q. In some of the Salesforce records which 10 were produced in this case, there are several names 11 which appear. One is the name of a Kendra Mangum. 12 Do you know who that is? 13 A. Yes. 14 Q. Who is that? 15 A. She works out of our New York office. 16 Q. Okay. Do you actually know who that 17 person is? 18 A. Yes. 19 Q. What's her position at the company? 20 A. Now, I'm not sure. 21 Q. How about in the past? 22 A. She used to be a sort of special 23 operations role and would assist in consumer 24 disputes. 25 Q. Okay.</p>	<p>1 Q. You mean SBM? 2 A. Correct, yes. 3 MR. FRANCIS: Off the video. Can we take 4 a five-minute break? 5 MR. O'NEIL: Sure. 6 THE VIDEOGRAPHER: 11:16. Off the record. 7 8 (A recess was taken.) 9 10 THE VIDEOGRAPHER: It's 11:27 a.m. on the 11 record. Beginning of DVD 2. 12 13 BY MR. FRANCIS: 14 Q. Okay. Mr. Nager, just a couple of more -- 15 one or two more questions regarding the Sanchez 16 background report. I've asked you some of these 17 questions already. I just want to be clear. Is 18 there anything about SBM's request for a background 19 check about Mr. Sanchez which was unusual or out of 20 the ordinary? 21 MR. O'NEIL: Objection. Assumes facts not 22 in evidence. Lack of foundation. 23 Q. You could answer. 24 A. Not that I can tell from the background 25 check.</p>

16 (Pages 61 to 64)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 65	Page 67
<p>1 Q. Okay. Was there anything unusual or</p> <p>2 atypical about the fact that Sterling fulfilled that</p> <p>3 request?</p> <p>4 A. No.</p> <p>5 Q. Okay. Is that what it would typically do</p> <p>6 with a client?</p> <p>7 A. Fulfill the request, yes.</p> <p>8 Q. Yes.</p> <p>9 Okay. Is there anything about Sterling</p> <p>10 providing SBM the background check on Mr. Sanchez,</p> <p>11 which I've asked you about, which was unusual or</p> <p>12 atypical of its usual process that it follows?</p> <p>13 A. Not that I can see from the background</p> <p>14 check.</p> <p>15 MR. FRANCIS: Okay. What I'd like to do</p> <p>16 now is turn your attention to Plaintiff's</p> <p>17 Exhibit Number 2.</p> <p>18</p> <p>19 (Plaintiff's Exhibit 2,</p> <p>20 DOCUMENT BATES NOS. DEF00084 -</p> <p>21 DEF00087, was marked for identification.)</p> <p>22</p> <p>23 Q. I'm handing you Plaintiff's Exhibit Number</p> <p>24 2. It's actually a series of documents which bear</p> <p>25 the numbers DEF-84 through 87.</p>	<p>1 Q. Okay.</p> <p>2 A. Salespeople.</p> <p>3 Q. Okay. There are several names on here I</p> <p>4 want to ask you about. First of all, who is Bobbie</p> <p>5 Sauvain?</p> <p>6 A. She works out of our California office.</p> <p>7 She's the one who initiates these Salesforce-driven</p> <p>8 e-mails.</p> <p>9 Q. Okay. What's her position?</p> <p>10 A. She's in operations, but she also -- I</p> <p>11 think -- I don't know her title.</p> <p>12 Q. All right. And there is a Vimal Kotak at</p> <p>13 the bottom.</p> <p>14 A. Correct.</p> <p>15 Q. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know who that person is?</p> <p>18 A. He's in our criminal department or</p> <p>19 operations department out of Mumbai.</p> <p>20 Q. Okay. Do you know him?</p> <p>21 A. I know him, yes.</p> <p>22 Q. Have you met him?</p> <p>23 A. I don't know if I've met him face-to-face.</p> <p>24 I don't know if he's ever been to the states.</p> <p>25 Q. Okay. And -- and you said he's in the</p>
Page 66	Page 68
<p>1 Do you have those in front of you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Turning to the first page,</p> <p>4 Defendant's 84, do you recognize this e-mail?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What -- what is this?</p> <p>7 A. Earlier this year, or actually late last</p> <p>8 year, the new Summary of Rights, Notice to Users of</p> <p>9 Consumer Reports and Notice to Furnishers was issued</p> <p>10 by the FT -- Consumer Financial Protection Bureau.</p> <p>11 Q. Okay.</p> <p>12 A. And we sent out an e-mail through</p> <p>13 Salesforce to all of our client-facing people.</p> <p>14 Q. Okay. So if we look at DEF-84, there are</p> <p>15 ton of names on here; right?</p> <p>16 A. Correct.</p> <p>17 Q. Who are these people, or why -- why did</p> <p>18 they get this particular memo?</p> <p>19 A. The majority of them are in client-facing,</p> <p>20 meaning --</p> <p>21 Q. What does that mean, "client-facing"?</p> <p>22 A. -- they -- they interface with our</p> <p>23 clients. It could be client services; it could be</p> <p>24 account management. You also have people who are in</p> <p>25 our implementations team, which start new clients.</p>	<p>1 criminal records department. What does he do for</p> <p>2 the company?</p> <p>3 A. Well, operations department.</p> <p>4 Q. Okay. What does he do for the company?</p> <p>5 A. He's a supervisor in operations. I</p> <p>6 typically -- if I need information about a criminal</p> <p>7 record, I'll put him on it, along with the criminal</p> <p>8 department.</p> <p>9 Q. What do you mean "information about a</p> <p>10 criminal record," like what type of information?</p> <p>11 A. What does this mean? What does this</p> <p>12 deposition mean? How do we fulfill a search in this</p> <p>13 jurisdiction?</p> <p>14 Q. Okay. And then if you turn to the second</p> <p>15 page of Plaintiff's Exhibit Number 2, it reads,</p> <p>16 "Dear Colleagues"; right? And then underneath that,</p> <p>17 if -- if you go to the next page, it directs the</p> <p>18 readers if they have any questions to contact you;</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. And is that because that's -- this is the</p> <p>22 type of thing that you do at Sterling?</p> <p>23 A. Well, if they had any questions on why</p> <p>24 these forms were changed or what they needed to do</p> <p>25 with them, they would contact me.</p>

17 (Pages 65 to 68)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 69	Page 71
<p>1 Q. All right. And if you turn to DEF-87, can</p> <p>2 you tell me what this e-mail pertains to.</p> <p>3 A. This is an announcement regarding</p> <p>4 California and the use of credit reports.</p> <p>5 Q. All right. And is this something that you</p> <p>6 do in connection with your position as compliance</p> <p>7 manager at the company?</p> <p>8 A. Now what I would do is draw this up, work</p> <p>9 with Joe Rotondo, and then send it to Bobbie. And</p> <p>10 it would go out in the fashion of the previous</p> <p>11 announcement. Prior to that, we would send it out</p> <p>12 just through a regular e-mail.</p> <p>13 Q. Okay. And the information here that</p> <p>14 you -- that you are communicating is information</p> <p>15 that was provided to you by Jackson Lewis; correct?</p> <p>16 A. Most likely, yes. They usually would help</p> <p>17 us summarize with the bills.</p> <p>18 MR. FRANCIS: Okay. Mark that as</p> <p>19 Plaintiff's Exhibit 3, please.</p> <p>20</p> <p>21 (Plaintiff's Exhibit 3,</p> <p>22 CONSENT AND DISCLOSURE,</p> <p>23 BATES STAMP NO. DEF00089,</p> <p>24 was marked for identification.)</p> <p>25</p>	<p>1 you discussed earlier?</p> <p>2 MR. O'NEIL: Objection. Vague.</p> <p>3 Q. I'm sorry. When we were -- when I was</p> <p>4 asking you about the forms and the consent forms, is</p> <p>5 this an example of one of those forms?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. This is the -- this is a form that</p> <p>8 Sterling created which it provided to its clients</p> <p>9 for them to use in obtaining a job applicant's</p> <p>10 consent to a background check; correct?</p> <p>11 A. Correct.</p> <p>12 Q. All right. And you say this was an old</p> <p>13 version?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. How do you know that?</p> <p>16 A. One, the date on the bottom, says</p> <p>17 10/5/2006, which may or may not be accurate. Also,</p> <p>18 you have the logo, that's our old logo. Also, when</p> <p>19 I first started going into the compliance</p> <p>20 department, we had already moved on to the two-page</p> <p>21 form.</p> <p>22 Q. Okay.</p> <p>23 THE VIDEOGRAPHER: I'm getting that -- can</p> <p>24 you --</p> <p>25 MR. FRANCIS: Okay.</p>
Page 70	Page 72
<p>1 MR. O'NEIL: Mr. Mailman, do you have any</p> <p>2 objection to me stapling together the loose</p> <p>3 four pages that make up the exhibit?</p> <p>4 MR. FRANCIS: No, but I have a big</p> <p>5 objection to you calling me Mr. Mailman.</p> <p>6 MR. O'NEIL: I'm sorry.</p> <p>7 MR. FRANCIS: Because if you met him you'd</p> <p>8 understand why. No, I'm just kidding. He's a</p> <p>9 good guy, but -- not at all.</p> <p>10 Q. Okay. So, Mr. Nager, I've just handed you</p> <p>11 a document which was produced in this litigation.</p> <p>12 It's been marked as Plaintiff's Exhibit Number 3,</p> <p>13 and it has the -- the stamp at the bottom, DEF-89.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Can you identify this document for</p> <p>17 me?</p> <p>18 A. This is an old version of our consent and</p> <p>19 disclosure form.</p> <p>20 Q. Okay.</p> <p>21 THE VIDEOGRAPHER: Excuse me. Does</p> <p>22 someone have a BlackBerry on? Okay. It's good</p> <p>23 now. You did something. I don't know. It's</p> <p>24 good now. It's fine.</p> <p>25 Q. All right. Is this the consent form that</p>	<p>1 THE VIDEOGRAPHER: Maybe it's me.</p> <p>2 Q. Okay. So you're able to identify this as</p> <p>3 a form that was in use at some point in the past,</p> <p>4 but not currently; correct?</p> <p>5 A. Correct.</p> <p>6 Q. All right. And --</p> <p>7 A. Well, let me --</p> <p>8 Q. Go ahead.</p> <p>9 A. -- clarify that. It's not currently given</p> <p>10 out to clients. We don't know if any clients are</p> <p>11 still using it.</p> <p>12 Q. I see. Okay. Let me ask you generally</p> <p>13 about these forms, because there are other ones that</p> <p>14 have been provided that I'm going to ask you about</p> <p>15 as well. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. The various versions of these -- these</p> <p>18 forms. When this -- let's start with this form.</p> <p>19 Okay. When this form was created by</p> <p>20 Sterling, would I be correct that it was provided to</p> <p>21 Sterling's clients at that time?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. How would it be given to Sterling's</p> <p>24 clients?</p> <p>25 MR. O'NEIL: Objection. Lack of</p>

18 (Pages 69 to 72)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 73	Page 75
<p>1 foundation. He wasn't in that role in 2006,</p> <p>2 but --</p> <p>3 Q. You can answer.</p> <p>4 A. Typically, by e-mail.</p> <p>5 Q. Okay. Typically, by e-mail the Sterling</p> <p>6 would give this to its clients; correct?</p> <p>7 A. Correct.</p> <p>8 Q. All right. And when -- are you familiar</p> <p>9 with the general on-boarding process when a new</p> <p>10 client is brought on board?</p> <p>11 A. Generally, yes.</p> <p>12 Q. Okay. And does the client -- does a --</p> <p>13 does a new client have the ability to use its own</p> <p>14 form or select Sterling to -- to provide the forms?</p> <p>15 A. With a paper form, they can use their own</p> <p>16 form. With electronic forms, it's -- they don't</p> <p>17 have that flexibility.</p> <p>18 Q. Okay. What was this one, right here,</p> <p>19 that's Plaintiff's Exhibit --</p> <p>20 A. This would be paper form.</p> <p>21 Q. Okay. But this would have been given to</p> <p>22 your clients at some point in time; right?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And when you say it would have been</p> <p>25 given by e-mail, would it have been given at the</p>	<p>1 Q. What were you doing in 2006 in terms -- at</p> <p>2 the company?</p> <p>3 A. Either I had just started with Joe Rotondo</p> <p>4 or I was running the -- a mortgage credit reporting</p> <p>5 agency that was run by -- by Sterling.</p> <p>6 Q. Okay. You said -- could you spell -- the</p> <p>7 other -- the guy's name, Eamon Cunningham?</p> <p>8 A. Correct.</p> <p>9 Q. How do you spell the first name?</p> <p>10 A. E-A-M-O-N.</p> <p>11 Q. Okay. Was he the predecessor of you?</p> <p>12 A. Correct.</p> <p>13 Q. All right. And would he have been the one</p> <p>14 who drafted the language here which is in</p> <p>15 Plaintiff's Exhibit Number 3?</p> <p>16 MR. O'NEIL: Objection. Lack of</p> <p>17 foundation.</p> <p>18 Q. You can answer.</p> <p>19 A. Most likely, that would probably have been</p> <p>20 Jackson Lewis. He wouldn't have drafted the</p> <p>21 language.</p> <p>22 Q. Okay. Why would he have put the -- the</p> <p>23 date on it, though?</p> <p>24 A. If there -- if the form required</p> <p>25 manipulation in Word, then he would, most likely,</p>
Page 74	Page 76
<p>1 time the client is on-boarded, or it would have been</p> <p>2 e-mailed separate and apart from that?</p> <p>3 A. It could have been during the sales</p> <p>4 process. It could have been during the</p> <p>5 implementation process. Some clients want to see it</p> <p>6 before they even get on-boarded.</p> <p>7 Q. Okay. And when a client was on-boarded,</p> <p>8 would I be correct that Sterling would give the</p> <p>9 client the form that was -- it was using at the</p> <p>10 time?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you know -- you pointed to the</p> <p>13 date at the bottom of this form, 10/5/2006. Do you</p> <p>14 see that?</p> <p>15 A. Correct.</p> <p>16 Q. All right. What does that date mean?</p> <p>17 A. Not too much, in my opinion. They weren't</p> <p>18 kept consistently. They weren't updated properly.</p> <p>19 Q. Okay. What -- who would have put that</p> <p>20 date there?</p> <p>21 A. This form, probably somebody by the name</p> <p>22 of Eamon Cunningham.</p> <p>23 Q. Okay. Who is that person?</p> <p>24 A. He was in -- a compliance researcher prior</p> <p>25 to me starting with Joe Rotondo.</p>	<p>1 have done it for Joe.</p> <p>2 Q. Okay. Have you ever taken a form like</p> <p>3 this and added the date on the bottom?</p> <p>4 A. On the new versions?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. You've done that on different --</p> <p>8 A. I've updated versions and added --</p> <p>9 corrected dates.</p> <p>10 Q. Okay.</p> <p>11 A. But never a one-page form.</p> <p>12 Q. Okay. A one-page form was in use prior to</p> <p>13 your joining; correct?</p> <p>14 A. Correct. There was an initiative to</p> <p>15 switch everybody to -- over to the two-page form</p> <p>16 when I joined Joe Rotondo.</p> <p>17 Q. Okay. And when that initiative occurred,</p> <p>18 were the clients all sent a new form?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Whenever -- if -- if a consent form</p> <p>21 was changed at any point, would that be</p> <p>22 distributed -- the new form be distributed to</p> <p>23 Sterling's clients?</p> <p>24 A. Hopefully, it would be distributed</p> <p>25 internally, and I don't think we were blasting</p>

19 (Pages 73 to 76)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 77	Page 79
<p>1 e-mails at the time for new -- for new forms. It</p> <p>2 would go out, again, to account management and</p> <p>3 client services, and it would be their</p> <p>4 responsibility to -- to distribute it to their</p> <p>5 clients.</p> <p>6 Q. Okay. Do you know whether or not, in</p> <p>7 fact, revisions to the consent form that are</p> <p>8 Plaintiff's Exhibit Number 3 were provided to</p> <p>9 Sterling's clients?</p> <p>10 MR. O'NEIL: Objection. Lack of</p> <p>11 foundation.</p> <p>12 Q. You can answer.</p> <p>13 A. I can't -- I can't say definitely if all</p> <p>14 revisions were given out to clients.</p> <p>15 Q. Okay. Do you know whether any of them</p> <p>16 were?</p> <p>17 A. The ones that I've sent out, I gave to</p> <p>18 client facing, but, again, I can't say that they</p> <p>19 were given directly to clients.</p> <p>20 Q. Okay. When -- when did you make changes</p> <p>21 to the forms or distribute changes to the consent</p> <p>22 form?</p> <p>23 A. When in terms of --</p> <p>24 Q. When have you done it? Is it within the</p> <p>25 last year, five -- three years ago or --</p>	<p>1 communications in responding response to the</p> <p>2 question.</p> <p>3 A. I don't know if it was in relation to a</p> <p>4 lawsuit that we had seen from a competitor, or if it</p> <p>5 was a decision from Joe Rotondo and Jackson Lewis,</p> <p>6 of discussion that they had, but I know we removed</p> <p>7 it.</p> <p>8 Q. Okay. Do you have a recollection of that</p> <p>9 change occurring?</p> <p>10 A. Some conversations about it, but, no.</p> <p>11 Q. Just general conversations --</p> <p>12 A. Yeah.</p> <p>13 Q. -- right? But you do remember at some</p> <p>14 point that paragraph was there, and then at some</p> <p>15 point the company removed it; correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. And did you have any role or</p> <p>18 involvement in -- in causing that?</p> <p>19 A. I probably was the one who made the</p> <p>20 changes to the documents, but the discussions at</p> <p>21 that time would have taken place above me.</p> <p>22 Q. Okay. So in connection with your job at</p> <p>23 the company, one of the things that you would do is</p> <p>24 you would actually make the -- the physical changes</p> <p>25 to one of these consent forms?</p>
Page 78	Page 80
<p>1 A. The last year we've made a couple of</p> <p>2 different revisions. The most common one now is</p> <p>3 every time a new state passes a credit law that -- a</p> <p>4 credit restriction law that has a notification</p> <p>5 requirement, we'll incorporate the language in --</p> <p>6 onto our consent form.</p> <p>7 Q. Okay. If you look at DEF-89 or</p> <p>8 Plaintiff's Exhibit Number 3, and you look one, two,</p> <p>9 three, four -- the fifth full paragraph down. Okay.</p> <p>10 It's -- it begins, "I also understand."</p> <p>11 A. Okay.</p> <p>12 Q. I'm sorry. No. Go to the sixth</p> <p>13 paragraph. Okay. It begins, "In exchange for,"</p> <p>14 bracket, "Company's name." Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. That paragraph does not appear in some of</p> <p>17 the subsequent changes to the forms. Do you know</p> <p>18 why that paragraph was taken out?</p> <p>19 A. It takes away from the stand-alone</p> <p>20 requirement.</p> <p>21 Q. Okay. Do you know what the circumstances</p> <p>22 are which caused that paragraph to be removed from</p> <p>23 subsequent versions of this form?</p> <p>24 MR. O'NEIL: I would caution the witness</p> <p>25 not to disclose any attorney/client</p>	<p>1 A. Correct.</p> <p>2 Q. All right. So today, for example, if the</p> <p>3 company decided, Hey, we got to change our consent</p> <p>4 forms today because of X, Y, and Z state passed a</p> <p>5 new law, you would be the one who would go into the</p> <p>6 computer and make that language change; right?</p> <p>7 A. Correct.</p> <p>8 Q. Correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. How long have you been in that</p> <p>11 role?</p> <p>12 A. That I've been doing probably since 2006,</p> <p>13 2007.</p> <p>14 Q. Okay. So given the fact that this was in</p> <p>15 2006, would you have made the deletion to this</p> <p>16 paragraph?</p> <p>17 A. Not on -- again, not on this form, because</p> <p>18 it's a one-page. On a two-page, possibly.</p> <p>19 Q. Okay.</p> <p>20 MR. FRANCIS: Plaintiff's Exhibit Number</p> <p>21 4.</p> <p>22</p> <p>23 (Plaintiff's Exhibit 4,</p> <p>24 CONSENT &amp; DISCLOSURE FORM,</p> <p>25 BATES STAMP NO. DEF00096,</p>

20 (Pages 77 to 80)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 81	Page 83
<p>1 was marked for identification.)</p> <p>2</p> <p>3 Q. Plaintiff's Exhibit Number 4, I'm handing</p> <p>4 to you right now. Can you identify this document?</p> <p>5 A. This is another one -- another form of our</p> <p>6 consent and disclosure.</p> <p>7 Q. Okay. At the -- right. This is one that</p> <p>8 apparently was in use in -- in 2008?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And I'm looking at the bottom,</p> <p>11 there is a USXXCDEN-V03. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. What does that code mean?</p> <p>14 A. Absolutely nothing. It used to be part of</p> <p>15 a initiative to try and label every document at the</p> <p>16 company and was just abandoned.</p> <p>17 Q. When was it abandoned?</p> <p>18 A. I don't know when it really even started.</p> <p>19 It never took off.</p> <p>20 Q. Okay. So at some point, every document</p> <p>21 that the company used was -- was branded with some</p> <p>22 type of unique identifier; correct?</p> <p>23 A. Correct.</p> <p>24 Q. That way it could be searched and found;</p> <p>25 right?</p>	<p>1 A. They're not available to clients anymore.</p> <p>2 Q. Okay.</p> <p>3 A. Only our most recent version is typically</p> <p>4 available to clients.</p> <p>5 Q. Okay. So if Sterling made a change to the</p> <p>6 consent form, it would then do away or remove the</p> <p>7 previous versions from the Web site; correct?</p> <p>8 A. Correct.</p> <p>9 Q. All right. And, again, do you know</p> <p>10 whether or not the -- any change to the forms would</p> <p>11 be communicated to clients by way of sending the new</p> <p>12 form to clients?</p> <p>13 A. Again, it would be sent out to client</p> <p>14 facing, and it would be their responsibility to</p> <p>15 inform clients.</p> <p>16 Q. Okay. Do you know why this form was</p> <p>17 updated in February of 2008?</p> <p>18 A. No.</p> <p>19 Q. Okay. Would I be correct in stating that</p> <p>20 based upon the appearance of this form that, at</p> <p>21 least, as of February 2008, Sterling was still</p> <p>22 including the "in exchange for" language I asked you</p> <p>23 about earlier on the consent and disclosure form</p> <p>24 that it would send to its clients?</p> <p>25 A. On this form, yes.</p>
Page 82	Page 84
<p>1 A. Exactly.</p> <p>2 Q. Okay. And so would I be correct in saying</p> <p>3 that that little -- that code that I just read, that</p> <p>4 was unique to this consent and disclosure form?</p> <p>5 A. Possibly. There's no way to really know</p> <p>6 if that was updated properly, if it may have been</p> <p>7 just carried over and not updated.</p> <p>8 Q. Okay. So this is the consent and</p> <p>9 disclosure form that the company was using in</p> <p>10 February of 2008; correct?</p> <p>11 A. According to the date, yes.</p> <p>12 Q. Okay. Or put in a different way, on --</p> <p>13 somebody at the company coded this form or updated</p> <p>14 this form on February 12th, 2008; correct?</p> <p>15 A. Correct.</p> <p>16 Q. All right. Now, this would have been the</p> <p>17 form that Sterling would have distributed to its</p> <p>18 clients in or around that time period; correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Now, with regard to these</p> <p>21 consent and disclosure forms and the way they've</p> <p>22 changed over time, are they available on a Web site</p> <p>23 somewhere for a client to see them?</p> <p>24 A. The old versions?</p> <p>25 Q. Yes.</p>	<p>1 Q. Okay. And do you know what prompted the</p> <p>2 change to the form in February of 2008?</p> <p>3 A. No.</p> <p>4 Q. If -- strike that.</p> <p>5 When the company changed its consent and</p> <p>6 disclosure forms, would that -- would the reason for</p> <p>7 that be memorialized somewhere in a record?</p> <p>8 A. No.</p> <p>9 Q. No.</p> <p>10 MR. FRANCIS: Mark this as Plaintiff's</p> <p>11 Exhibit 5, please.</p> <p>12</p> <p>13 (Plaintiff's Exhibit 5,</p> <p>14 CONSENT TO REQUEST CONSUMER REPORT</p> <p>15 BATES STAMP NO. DEF00100, was</p> <p>16 marked for identification.)</p> <p>17</p> <p>18 Q. I'm handing you Plaintiff's Exhibit Number</p> <p>19 5. This is another version of the -- of Sterling's</p> <p>20 consent form that it had provided to its clients;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Are you able to tell when this form --</p> <p>24 when the consent form would have been changed here?</p> <p>25 A. It says December of 2008.</p>

21 (Pages 81 to 84)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 85	Page 87
<p>1 Q. Okay. Do you know who it was that</p> <p>2 actually changed the form in December of 2008?</p> <p>3 A. It probably would have been me.</p> <p>4 Q. Okay. And there's that identifier at the</p> <p>5 bottom; right? It's a little bit different than the</p> <p>6 last one. It's USCACDEN-V02. Do you see that?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Do you know when you stopped using</p> <p>9 the unique identifier?</p> <p>10 A. No. I don't think it was actually ever</p> <p>11 used by my department, or at least it was never used</p> <p>12 by me.</p> <p>13 Q. Did you -- did you write that in there</p> <p>14 or --</p> <p>15 A. No. I probably just left it on a form.</p> <p>16 Q. Okay. Do you know whether or not you were</p> <p>17 the one that changed the form in December 2008, or</p> <p>18 are you -- are you guessing?</p> <p>19 A. Most likely it would have been me.</p> <p>20 Q. Okay. And would you agree with me that in</p> <p>21 this version of the consent form, it does -- it no</p> <p>22 longer has that "in exchange" language?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And -- and, again, you don't know</p> <p>25 why you removed that in December 2008?</p>	<p>1 Credit Reporting Act, or otherwise, which requires a</p> <p>2 consumer to make a dispute within five business days</p> <p>3 of something?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you know why that language is</p> <p>6 included in there?</p> <p>7 A. Probably best practice from Jackson Lewis.</p> <p>8 Q. When you say "best" -- what do you mean</p> <p>9 "best practice"?</p> <p>10 A. Usually, we say to give the applicant five</p> <p>11 days to dispute the information.</p> <p>12 Q. Okay. But do you know of any law which</p> <p>13 requires the -- that information to be included --</p> <p>14 A. No.</p> <p>15 Q. -- within this form?</p> <p>16 MR. O'NEIL: I would instruct the witness</p> <p>17 not to include in his answer any information</p> <p>18 that he received from Jackson Lewis or other</p> <p>19 lawyers.</p> <p>20 A. No. I believe that was from an FTC</p> <p>21 opinion letter with the five days.</p> <p>22 Q. Okay. Is it your testimony that you --</p> <p>23 you -- you think that there's an FTC opinion letter</p> <p>24 which states that this information should be</p> <p>25 included in a consent form?</p>
Page 86	Page 88
<p>1 A. It was probably either from a lawsuit that</p> <p>2 we had seen or on advise of counsel.</p> <p>3 Q. Okay. There is a paragraph in here</p> <p>4 which -- one, two -- it's like the -- the third full</p> <p>5 paragraph or the fourth full paragraph. It begins,</p> <p>6 "This consent." Do you see that?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know who drafted the language in</p> <p>9 this paragraph?</p> <p>10 A. Most likely that would have been Jackson</p> <p>11 Lewis.</p> <p>12 Q. Okay. There is a statement here which</p> <p>13 reads in this paragraph that, "If I disagree with</p> <p>14 the accuracy of the purported disqualifying</p> <p>15 information in the report, I must notify company</p> <p>16 within five business days of my receipt of the</p> <p>17 report that I am challenging the accuracy of such</p> <p>18 information with Sterling Infosystems, Inc.,"</p> <p>19 period.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that language that was provided by</p> <p>23 Jackson Lewis?</p> <p>24 A. Most likely.</p> <p>25 Q. Do you know of any requirement in the Fair</p>	<p>1 A. No.</p> <p>2 Q. What are you saying?</p> <p>3 MR. O'NEIL: Again, I would caution the</p> <p>4 witness to exclude from his answer any</p> <p>5 information he received from privileged</p> <p>6 communications.</p> <p>7 MR. FRANCIS: I understand.</p> <p>8 Q. For you as a compliance person, not in</p> <p>9 connection with the lawyers.</p> <p>10 A. Understood.</p> <p>11 MR. O'NEIL: Well, I know you understand.</p> <p>12 I just want to make the witness understands.</p> <p>13 MR. FRANCIS: Right. I understand.</p> <p>14 Q. Go ahead.</p> <p>15 A. The -- not to include it into the consent</p> <p>16 form, but to allow time for a dispute.</p> <p>17 Q. In general?</p> <p>18 A. In general.</p> <p>19 Q. Right? But not in connection with the --</p> <p>20 with a consent form; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Do you know whether the company</p> <p>23 continues to use that language in the consent form</p> <p>24 today?</p> <p>25 A. I believe it is. I'd have to check a</p>

22 (Pages 85 to 88)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 89	Page 91
<p>1 current version.</p> <p>2 Q. And is it your -- do you think that that</p> <p>3 complies with the stand-alone requirement you</p> <p>4 mentioned before?</p> <p>5 A. I think so.</p> <p>6 Q. Okay. And by the "stand-alone</p> <p>7 requirement," do you know what -- do you know what I</p> <p>8 mean?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Would you agree with me that there</p> <p>11 is no requirement that a consumer must make a</p> <p>12 dispute of an -- of an inaccuracy in a background</p> <p>13 check within five days of -- of receiving a copy of</p> <p>14 the report?</p> <p>15 MR. O'NEIL: Objection. It calls for a</p> <p>16 legal conclusion.</p> <p>17 Q. You can answer.</p> <p>18 A. I agree.</p> <p>19 Q. Okay. And you would agree with me, would</p> <p>20 you not, that if a consumer made a dispute to</p> <p>21 Sterling at any time in connection with a background</p> <p>22 check that it had run, Sterling is under -- has a</p> <p>23 legal obligation to investigate that dispute?</p> <p>24 A. Correct.</p> <p>25 Q. In this --</p>	<p>1 second.</p> <p>2 I'm handing you Plaintiff's Exhibit 6.</p> <p>3 Can you identify this form?</p> <p>4 A. This is another version of our consent and</p> <p>5 disclosure.</p> <p>6 Q. Okay. Now, am I correct that this one</p> <p>7 would have been in use in or around July of 2008?</p> <p>8 A. This looks like -- it's not a standard</p> <p>9 one, and it says July of 2008, but it's not a</p> <p>10 standard consent and disclosure form.</p> <p>11 Q. Okay. Would you have been the one -- the</p> <p>12 person who would have notated the "July of 2008" on</p> <p>13 this form?</p> <p>14 A. Possibly. This may -- this may have been</p> <p>15 done by somebody else. It looks like it's part of</p> <p>16 our student module.</p> <p>17 Q. What's a student module?</p> <p>18 A. For -- we have an electronic signature</p> <p>19 module, and we developed one with language that's</p> <p>20 particular to students.</p> <p>21 Q. Okay. How -- how can you tell that this</p> <p>22 student based?</p> <p>23 A. Okay. So you have, "I understand that,"</p> <p>24 you enter the organization's name. "Hereto known as</p> <p>25 organization."</p>
Page 90	Page 92
<p>1 THE WITNESS: Can we take a second?</p> <p>2 MR. FRANCIS: Sure.</p> <p>3 MR. O'NEIL: Yeah. Let's take a break.</p> <p>4 MR. FRANCIS: Sure.</p> <p>5 THE WITNESS: I have a quick question for</p> <p>6 you.</p> <p>7 THE VIDEOGRAPHER: 11:58. Off the record.</p> <p>8</p> <p>9 (A recess was taken.)</p> <p>10</p> <p>11 MR. FRANCIS: Can you mark this as</p> <p>12 Plaintiff's Exhibit Number 6, please.</p> <p>13</p> <p>14 (Plaintiff's Exhibit 6,</p> <p>15 CONSENT TO REQUEST CONSUMER REPORT,</p> <p>16 BATES STAMP NO. DEF000858, was</p> <p>17 marked for identification.)</p> <p>18</p> <p>19 THE VIDEOGRAPHER: It's 12 p.m. On the</p> <p>20 record.</p> <p>21</p> <p>22 BY MR. FRANCIS:</p> <p>23 Q. Mr. Nager, I was trying to go in order,</p> <p>24 but my co-counselor reminded me that I'd skipped one</p> <p>25 of the forms, so we're going to go back for a</p>	<p>1 And then if you go on, "Get a consumer</p> <p>2 investigative consumer part" -- "report as part of</p> <p>3 the procedure for processing my application for</p> <p>4 enrollment to an academic institution." So that</p> <p>5 looks like it's from a student. Other different</p> <p>6 language: "I acknowledge that I have downloaded and</p> <p>7 read the summary of my rights under the Fair Credit</p> <p>8 Reporting Act." So it would be on that module. And</p> <p>9 another thing with the student module is the same</p> <p>10 thing with the electronic signature module, is that</p> <p>11 some of the language is not here. So this is only</p> <p>12 one of them in the paper form.</p> <p>13 Q. Okay. So this was basically the consent</p> <p>14 form adapted for students?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And would you agree with me that,</p> <p>17 at least as of July of 2008, the company was still</p> <p>18 using the "in exchange for" language, which I asked</p> <p>19 you about earlier and which you said was removed at</p> <p>20 some point, at least in its consent and disclosure</p> <p>21 forms as of July of 2008?</p> <p>22 A. According to this form, yes.</p> <p>23 Q. Okay. And would I be correct with regard</p> <p>24 to all of the consent forms that we've seen so far,</p> <p>25 that the forms were used for all employers, right,</p>

23 (Pages 89 to 92)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 93	Page 95
<p>1 not just a handful of them; right?</p> <p>2 A. Well, this one wasn't --</p> <p>3 MR. O'NEIL: Objection. Vague.</p> <p>4 Q. You can answer.</p> <p>5 A. This one wasn't used for employers.</p> <p>6 Q. Okay. Well, put -- how about the other</p> <p>7 ones, the ones we've looked at?</p> <p>8 A. Yes.</p> <p>9 Q. Right. So just to the clear, the -- the</p> <p>10 standard forms that we looked at in Plaintiff's</p> <p>11 Exhibit 4 and 5, for example, those would have been</p> <p>12 given to all employers at the time; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And Sterling -- when Sterling made a</p> <p>15 change to its consent and disclosure form, it made</p> <p>16 that change to all of the forms that it would use</p> <p>17 for all of its clients; correct?</p> <p>18 A. Well, we -- we made the change to the new</p> <p>19 form. We don't know if clients were given the form</p> <p>20 or if they were using it.</p> <p>21 Q. Right. But you used one form for all the</p> <p>22 clients? You didn't customize the form for each</p> <p>23 client; correct?</p> <p>24 A. Some clients did have customized forms.</p> <p>25 Q. Okay. But the vast majority used the same</p>	<p>1 this paragraph, but I'm not positive off the top of</p> <p>2 my head.</p> <p>3 Q. Okay. If you look at the third full</p> <p>4 paragraph, that begins, "I acknowledge receipt of</p> <p>5 the attached summary of my rights under the Fair</p> <p>6 Credit Reporting Act." Do you see that?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know of any part of the Fair</p> <p>9 Crediting Reporting Act or any law which requires</p> <p>10 the provision of that information in a consent and</p> <p>11 disclosure form?</p> <p>12 A. No.</p> <p>13 Q. Okay. And, likewise, the paragraph</p> <p>14 underneath that begins, "This consent will not</p> <p>15 affect," do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Is that language that either Jackson Lewis</p> <p>18 or somebody from Sterling drafted?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you know of any part of the Fair</p> <p>21 Credit Reporting Act or any law which requires the</p> <p>22 provision of that in a consent form?</p> <p>23 A. No.</p> <p>24 Q. Okay. And if you look at the -- the</p> <p>25 paragraph which begins, "In order to verify my</p>
Page 94	Page 96
<p>1 form; correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 MR. FRANCIS: Mark this as Exhibit 7,</p> <p>5 please.</p> <p>6</p> <p>7 (Plaintiff's Exhibit 7,</p> <p>8 CONSENT TO REQUEST CONSUMER REPORT,</p> <p>9 BATES STAMP NO. DEF00104, was</p> <p>10 marked for identification.)</p> <p>11</p> <p>12 Q. I'm handing you Plaintiff's Exhibit Number</p> <p>13 7. Could you identify that for me, please?</p> <p>14 A. This is another one of our consent and</p> <p>15 disclosure forms.</p> <p>16 Q. Okay. This is a version -- the version</p> <p>17 that was amended in July of 2010; correct?</p> <p>18 A. According to the date on the bottom, yes.</p> <p>19 Q. Okay. And would you have made this</p> <p>20 amendment?</p> <p>21 A. Yes, most likely.</p> <p>22 Q. Do you know -- do you know what the</p> <p>23 circumstances were which prompted you to revise the</p> <p>24 consent and disclosure form in July of 2010?</p> <p>25 A. It may have been one of the credit laws in</p>	<p>1 identity for the purposes of report preparation, I</p> <p>2 am voluntarily releasing my date of birth, social</p> <p>3 security number, and the other information and fully</p> <p>4 understand that all employment decisions are based</p> <p>5 on legitimate non-discriminatory reasons," period.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know of any part of the Fair Credit</p> <p>9 Reporting Act or any law which requires the</p> <p>10 inclusion of that language in a consent form?</p> <p>11 A. No.</p> <p>12 Q. Do you know why that's there?</p> <p>13 A. Most likely drafted either by Jackson</p> <p>14 Lewis or someone at Sterling</p> <p>15 Q. Okay. And underneath that there are</p> <p>16 certain provisions which pertain to California,</p> <p>17 Massachusetts, Minnesota, New Jersey, and Oklahoma</p> <p>18 law. Do you see that?</p> <p>19 A. Correct.</p> <p>20 Q. And one which deals with a Maine</p> <p>21 applicants. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. One which deals with Connecticut,</p> <p>24 Maryland, Oregon, and Washington State applicants.</p> <p>25 Do you see that?</p>

24 (Pages 93 to 96)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 97	Page 99
<p>1 A. Yes.</p> <p>2 Q. Okay. And one deals with -- a paragraph</p> <p>3 deals with New York applicants only. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. And one deals with California applicants</p> <p>7 and residents at the bottom. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know of any part of the Fair Credit</p> <p>10 Reporting Act or any law which requires the</p> <p>11 inclusion of that language in the FCRA stand-alone</p> <p>12 consent form?</p> <p>13 A. No.</p> <p>14 Q. Okay. Do you know why Sterling includes</p> <p>15 that language in its consent forms?</p> <p>16 A. The various state laws.</p> <p>17 Q. Okay.</p> <p>18 MR. FRANCIS: Mark this as Plaintiff's</p> <p>19 Exhibit Number 8, please.</p> <p>20</p> <p>21 (Plaintiff's Exhibit 8,</p> <p>22 CONSENT TO REQUEST CONSUMER REPORT,</p> <p>23 BATES STAMP NO. DEF00108, was</p> <p>24 marked for identification.)</p> <p>25</p>	<p>1 information I asked you about a just moment ago;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 MR. O'NEIL: I'd state for the record that</p> <p>6 it looks like Exhibit Number 8 is a multi-page</p> <p>7 document. You've only showed him the first</p> <p>8 page.</p> <p>9 MR. FRANCIS: That's correct. Do you have</p> <p>10 the other one?</p> <p>11 MR. O'NEIL: That's okay. I just</p> <p>12 wanted --</p> <p>13 MR. FRANCIS: No --</p> <p>14 MR. O'NEIL: -- to state it for the</p> <p>15 record.</p> <p>16 MR. FRANCIS: -- you're right. Just to be</p> <p>17 clear, let's do it.</p> <p>18 Q. All right. So let's -- Mr. Nager, would</p> <p>19 you please just add this to Plaintiff's Exhibit</p> <p>20 Number 8. (Handing.)</p> <p>21 A. Okay.</p> <p>22 Q. Mr. O'Neil is correct, right, that that's</p> <p>23 the remaining pages for the Plaintiff's Exhibit</p> <p>24 Number 8; right?</p> <p>25 A. Yes.</p>
Page 98	Page 100
<p>1 Q. Mr. Nager, I'm handing you Plaintiff's</p> <p>2 Exhibit Number 8, probably familiar to you. Could</p> <p>3 you please let me know if you recognize it.</p> <p>4 A. It's one of our consent and disclosure</p> <p>5 forms.</p> <p>6 Q. Okay. And this is a consent and</p> <p>7 disclosure form reflecting a modification that</p> <p>8 occurred in September 2012; correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And this is -- any modifications to</p> <p>11 the consent form in 2012 would have been made by</p> <p>12 you; correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And do you know why you</p> <p>15 corrected or amended the standard consent and</p> <p>16 disclosure form in -- in September of 2012?</p> <p>17 A. I believe it was one of the credit laws.</p> <p>18 Q. Okay. And would you agree with me that,</p> <p>19 at -- at least as of September of 2012, the standard</p> <p>20 Sterling consent and disclosure form contained --</p> <p>21 continue to contain the language regarding the</p> <p>22 notification of -- for a consumer dispute within</p> <p>23 five business days?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And the state specific law</p>	<p>1 Q. I was asking you about Plaintiff's Exhibit</p> <p>2 Number 8, the first page of it, but it's actually a</p> <p>3 multi-page document; correct?</p> <p>4 A. Correct.</p> <p>5 Q. To your knowledge, is -- is Plaintiff's</p> <p>6 Exhibit Number 8 an accurate reflection of the</p> <p>7 consent and disclosure form that the company is</p> <p>8 currently using?</p> <p>9 A. It's not our most recent version, but in</p> <p>10 general, yes.</p> <p>11 Q. Do you know what the most recent version</p> <p>12 is?</p> <p>13 A. It's dated, I believe, 2 of 2013.</p> <p>14 Q. Okay. And do you know what changes you</p> <p>15 made in 2 of 2013?</p> <p>16 A. The in -- right above the first check box,</p> <p>17 you have a list of addresses of offices. Okay. Our</p> <p>18 Ohio address is added to that.</p> <p>19 Q. Okay.</p> <p>20 A. And I think that might be it. I'd have</p> <p>21 to -- I'd have to see the most recent form to say</p> <p>22 definitely.</p> <p>23 Q. I'm going to let you see it, I think.</p> <p>24 MR. FRANCIS: Can you mark this as</p> <p>25 Plaintiff's Exhibit Number 9, please.</p>

25 (Pages 97 to 100)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 101	Page 103
<p>1 2 (Plaintiff's Exhibit 9, 3 CONSENT TO REQUEST CONSUMER REPORT, 4 BATES STAMP NOS. DEF000887 - DEF000891, 5 was marked for identification.) 6 7 Q. Mr. Nager, I'm handing you Plaintiff's 8 Exhibit Number 9, please identify that for me, if 9 you can. 10 A. This is another version of our consent and 11 disclosure form. 12 Q. Okay. When I was asking you about the 13 most current consent and disclosure form that 14 Sterling uses, is this the one you were referring 15 to? 16 A. I think that there's even a more recent 17 one with the Ohio address. 18 Q. Okay. Other than the Ohio address, does 19 Plaintiff's Exhibit Number 9 generally accurately 20 reflect the -- Sterling's standard consent and 21 disclosure form which it provides to its clients? 22 A. Yes. 23 Q. Okay. And is the language which appears 24 in Plaintiff's Exhibit Number 9, language which 25 would appear in all of the consent and disclosure</p>	<p>1 A. It's distributed to clients for -- to 2 alert them of new laws, best practices, industry 3 updates, product highlights. 4 Q. And you contribute information to it on a 5 regular basis? 6 A. Yes. 7 Q. What type of information do you -- 8 A. If there's a new law update, we'll put 9 that in. Sometimes we'll -- just facts about 10 states. 11 Q. Okay. 12 MR. FRANCIS: Mark Plaintiff's Number 10, 13 please. 14 15 (Plaintiff's Exhibit 10, 16 SUPPLEMENTAL RESPONSES, 17 SIX-PAGE DOCUMENT, was marked 18 for identification.) 19 20 Q. Mr. Nager, I'm handing you Plaintiff's 21 Exhibit Number 10. It's a multi-page document. 22 Please look through it, and tell me if you can 23 identify it for me, please. 24 A. Yes, I signed this the other day. 25 Q. Okay. When you say the -- "this," you --</p>
Page 102	Page 104
<p>1 forms that Sterling would provide to its clients? 2 A. Yes. 3 Q. Okay. 4 MR. O'NEIL: Objection. Vague as to time. 5 Q. Currently? 6 A. Currently, yes. 7 Q. Okay. 8 A. New clients would be given this form. 9 Q. Okay. Are you familiar with a publication 10 that the company distributes called the Sterling 11 Sentinel? 12 A. Yes. 13 Q. Do you have any involvement in the -- in 14 the preparation of that publication and/or 15 contribute any information to it? 16 A. Some of the articles I help with. 17 Q. Okay. Who is the person -- who is the 18 primary point person for the Sterling Sentinel? 19 MR. O'NEIL: Objection. Vague. 20 Q. You can answer. 21 A. At this point, it's Kristen -- what's her 22 last name? Stewart? I don't remember her last 23 name. Kristen Adams. 24 Q. Okay. And what is the Sterling Sentinel 25 used for?</p>	<p>1 A. This document. 2 Q. Okay. If you look on page 5 of 3 Plaintiff's Exhibit Number 10, is that your 4 handwriting, or is that your signature? 5 A. Yes, it is. 6 Q. Okay. Among other things, my office 7 served Sterling's counsel with a request for a 8 witness who could testify regarding certain 9 numerical-type information that plaintiff had 10 requested in -- in written discovery. And you have 11 been designated to, at least, answer some of those 12 questions. Okay. So let me begin with 13 Interrogatory Number 2. Okay. It asks, "State the 14 total number of employment consumer reports which 15 contained adverse criminal or public record 16 information that the defendant sent," slash, "sold 17 to any third party from March 6, 2010, to the 18 present." 19 Do you see that? 20 A. Yes. 21 Q. And there's an answer to that. That -- 22 there's a response and there's a supplemental 23 response. Do you see those? 24 A. Yes. 25 Q. Okay. Would you tell me what you did</p>

26 (Pages 101 to 104)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 105	Page 107
<p>1 and/or learned to verify that the information</p> <p>2 provided in response to Interrogatory Number 2 is</p> <p>3 correct?</p> <p>4 A. Okay. I had spoken our -- the person who</p> <p>5 runs our reports. Her name is Mia. And she had</p> <p>6 given me these figures and explained how she got</p> <p>7 them from the database.</p> <p>8 Q. Okay. Let's start with response to</p> <p>9 Interrogatory Number 2. Among other things it reads</p> <p>10 that, "Defendant states that 691,828 employment</p> <p>11 consumer reports prepared by Sterling Testing</p> <p>12 Systems were provided" -- "and provided to clients</p> <p>13 contained adverse or public record information from</p> <p>14 January 1st, 2010, to the present."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Is that accurate?</p> <p>18 A. Yes, according to the report we ran.</p> <p>19 Q. Okay. What's Mia's full name?</p> <p>20 A. Mia Kalikman, K-A-L-I-K-M-A-N.</p> <p>21 Q. Okay.</p> <p>22 A. Possibly.</p> <p>23 Q. And do you know her?</p> <p>24 A. Yes.</p> <p>25 Q. What is her position at the company?</p>	<p>1 A. It mirrors that database.</p> <p>2 Q. Okay. So it makes a copy of that</p> <p>3 database?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And then it's able to perform</p> <p>6 quantitative queries on that information?</p> <p>7 A. Exactly.</p> <p>8 Q. Okay. So if somebody were to have had a</p> <p>9 background check run on them by Sterling in 2010,</p> <p>10 for example, is that -- will that information be in</p> <p>11 the Sequel database?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Are all background checks performed</p> <p>14 by Sterling and all the information Sterling has</p> <p>15 returned to a client in response to a background</p> <p>16 check within that Sequel database?</p> <p>17 A. On Sterling East, yes.</p> <p>18 Q. All right. And I think you -- you stated</p> <p>19 that that database is query-able by date range;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And is that database</p> <p>23 query-able by search term?</p> <p>24 A. You can put in whether you want hits. I</p> <p>25 don't know if it's query-able by actual term.</p>
Page 106	Page 108
<p>1 A. She runs reports. I don't know her exact</p> <p>2 title.</p> <p>3 Q. Prior to this assignment and your</p> <p>4 deposition today, had you interacted with her, at</p> <p>5 all, regarding the running of reports?</p> <p>6 A. I've asked her for -- I've asked her to</p> <p>7 run reports in the past for me, yes.</p> <p>8 Q. Okay. Did you speak to her about what she</p> <p>9 did in order to ascertain these numbers?</p> <p>10 A. Yes, she explained it to me.</p> <p>11 Q. Okay. What -- what did she do?</p> <p>12 A. She -- she basically accesses our Sequel</p> <p>13 database. And it's a reporting database which</p> <p>14 mirrors our transactional database. And you put in</p> <p>15 the input criteria that you want, such as your date</p> <p>16 range, whether you want criminal hits, any other</p> <p>17 information, and it will run a report.</p> <p>18 Q. Okay. What is Sequel?</p> <p>19 A. It's just a database.</p> <p>20 Q. What information is contained there?</p> <p>21 A. Everything from our tracker system, which</p> <p>22 is Sterling East.</p> <p>23 Q. Okay. Is this actually the database which</p> <p>24 contains background checks that Sterling has</p> <p>25 provided the clients in the past?</p>	<p>1 Q. Okay. If, for example, you wanted to see</p> <p>2 how many Rhode Island records were returned in</p> <p>3 connection with a background check, is it able to do</p> <p>4 that?</p> <p>5 A. That, I'm not sure about.</p> <p>6 Q. Okay. If you wanted to search it for --</p> <p>7 to determine how many misdemeanor records were</p> <p>8 returned during a certain period of time in</p> <p>9 connection with background checks, would that be</p> <p>10 searchable?</p> <p>11 A. I believe so.</p> <p>12 Q. Okay. Is it -- is it -- are you able to</p> <p>13 search the Sequel database by name in order to</p> <p>14 retrieve what was sold about a particular consumer</p> <p>15 at a certain time?</p> <p>16 A. We wouldn't search that database to find</p> <p>17 out something about a particular consumer. It would</p> <p>18 probably go through our tracker database. But that</p> <p>19 information would also be in the Sequel database,</p> <p>20 but I don't think we would use it in that fashion.</p> <p>21 Q. Okay. Is -- are you able to query the</p> <p>22 Sequel database to determine the number of</p> <p>23 background reports that Sterling sold to a</p> <p>24 particular client during a particular time period?</p> <p>25 A. Yes.</p>

27 (Pages 105 to 108)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 109

1 Q. So if you wanted to find out how many  
2 reports Sterling sold to its client, SBM, for a  
3 particular time period, it could do that; right?  
4 A. Yes.  
5 Q. Okay. Do you know -- do you know when  
6 a -- when Mia performed the queries which provide  
7 the basis for the responses to Interrogatories  
8 Number 2 and 5?  
9 A. Do you know what -- do I know exactly what  
10 date?  
11 Q. When --  
12 A. No.  
13 Q. -- approximately.  
14 A. No. I know she did it whenever Joe  
15 Rotondo had requested it.  
16 Q. Okay.  
17 MR. O'NEIL: I can tell you on behalf of  
18 Sterling that the response to Number 2 -- the  
19 initial response to Number 2 was generated in  
20 approximately September of 2012. And the  
21 response -- initial response to Interrogatory  
22 Number 5 was done in approximately November 23,  
23 2012.  
24 MR. FRANCIS: Okay. Thank you.  
25 MR. O'NEIL: And -- yeah.

Page 110

1 Q. If you look at the supplemental response  
2 to Interrogatory Number 2, among other things it  
3 reads that, "This number differs from the number  
4 provided by defendant on December 3rd, 2012, for  
5 three reasons." And it lists three reasons.  
6 The third reason reads, "The number in the  
7 supplemental response reflects the subtraction of  
8 reports from the original number that were not  
9 delivered to customers of Sterling East." Do you  
10 see that?  
11 A. Yes.  
12 Q. What does that mean?  
13 A. Sterling East has -- was the main company  
14 and through our tracker system, after acquiring  
15 other companies, we would supply certain reports to  
16 those companies through tracker. So we'll say  
17 Sterling West, which is our absolute platform, might  
18 fulfill a jurisdiction through Sterling East, and so  
19 it's being routed through them. So those are  
20 actually not going to a Sterling East customer,  
21 they're going to a Sterling West customer through a  
22 group ID.  
23 Q. I see. Okay.  
24 MR. O'NEIL: Mr. Francis.  
25 MR. FRANCIS: Yes.

Page 111

1 MR. O'NEIL: I also want to clarify that  
2 we learned after we served these, the number in  
3 the supplemental response to Interrogatory  
4 Number 2 is actually overstated by 685 reports,  
5 because of the same reason -- and Mr. Nager  
6 just explained it -- 685 of the reports  
7 included in the original number, actually, were  
8 also for non-Sterling East customers. So the  
9 number 524361, actually, should be reduced by  
10 685.  
11 MR. FRANCIS: Okay.  
12 Q. Is what Mr. O'Neil just said correct?  
13 A. Correct.  
14 Q. Okay.  
15 MR. O'NEIL: Just trying to make myself  
16 useful here.  
17 Q. Okay. Turning your attention to  
18 Interrogatory Number 5. Interrogatory Number 5  
19 request, "State the total number of job applicants  
20 from whom you obtained a consent and disclosure form  
21 similar to the one you obtained from the plaintiff,  
22 attached hereto as Exhibit A."  
23 And there are two responses here: A  
24 response from December 3rd, 2012, and one from -- a  
25 supplemental one. Among other things in -- in

Page 112

1 connection with the first response, it states that,  
2 "In some instances, defendant's clients utilize an  
3 Electronic Wet Signature program offered by  
4 defendant." Do you see that?  
5 A. Yes.  
6 Q. Can you tell me what that means. What's  
7 an Electronic Wet Signature?  
8 A. That's our EWS module, which basically an  
9 invitation is sent to the client, and they sign the  
10 consent form electronically with their mouse.  
11 Q. When you say "the client does," you mean  
12 they -- the -- your employer -- the employer?  
13 A. The employ -- the employer uses our system  
14 to send the consent form to their applicant  
15 electronically.  
16 Q. Okay. So is -- are you saying that in  
17 those instances the consumer is not signing an  
18 actual form?  
19 A. They're not signing a paper form, correct.  
20 Q. They're using electronic -- what are they  
21 doing?  
22 A. They use their mouse to sign their  
23 signature.  
24 Q. Okay. They're accessing Sterling's system  
25 somehow online --

28 (Pages 109 to 112)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 113	Page 115
<p>1 A. Correct.</p> <p>2 Q. -- and then -- and using their mouse to</p> <p>3 click something; right?</p> <p>4 A. Not click. To try and sign your name with</p> <p>5 a mouse.</p> <p>6 Q. Okay. And are those instances, are they</p> <p>7 documented in Sterling's Sequel system?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Are the versions of the consent and</p> <p>10 disclosure form that the client signed, are they</p> <p>11 contained within the Sequel system?</p> <p>12 A. No.</p> <p>13 Q. What is contained within the Sequel system</p> <p>14 as it pertains to the Electronic Wet Signature?</p> <p>15 A. The number and the applicants.</p> <p>16 Q. The number of what?</p> <p>17 A. The number of applicants that signed it,</p> <p>18 and the -- the names of the applicants.</p> <p>19 Q. Okay. And the date; correct?</p> <p>20 A. Correct, the date would be there as well.</p> <p>21 Q. Okay. And would you be able --</p> <p>22 A. And for what client.</p> <p>23 Q. Okay. Would you be able to tell, based</p> <p>24 upon the date that a form was being used, what</p> <p>25 version of the form the client signed?</p>	<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Is that accurate?</p> <p>4 A. According to the report -- report Mia ran,</p> <p>5 yes.</p> <p>6 Q. Okay. Did you learn of the information</p> <p>7 from Mia in a report, or she just told you these</p> <p>8 figures?</p> <p>9 A. I didn't see the report. She just told me</p> <p>10 the figures.</p> <p>11 Q. Okay. And then you used that information</p> <p>12 to verify that these answers were correct; right?</p> <p>13 A. Well, I haven't verified it. I just took</p> <p>14 her word for it that they're correct.</p> <p>15 Q. When I say you verified, I mean you signed</p> <p>16 this verification?</p> <p>17 A. Yes. Uh-huh.</p> <p>18 MR. O'NEIL: Mr. Nager was verifying the</p> <p>19 supplemental response, not the initial</p> <p>20 response.</p> <p>21 Q. Okay. Turning to the supplemental</p> <p>22 response to Interrogatory Number 5, it reads,</p> <p>23 "Responding further, and subject to without waiving</p> <p>24 its objections, defendant states that between March</p> <p>25 6, 2010, and March 5th, 2013, 191,684 unique</p>
Page 114	Page 116
<p>1 A. Not definitely.</p> <p>2 Q. Would you be able to come to a fairly</p> <p>3 accurate understanding?</p> <p>4 A. Possibly. It -- depending on when it is.</p> <p>5 I think some we have actual -- we've kept the forms</p> <p>6 more recently. The first versions, not -- not as</p> <p>7 much.</p> <p>8 Q. When did the company begin using the</p> <p>9 Electronic Wet Signature program?</p> <p>10 A. About 2009.</p> <p>11 Q. Do you know whether or not the -- the</p> <p>12 plaintiff in this case, Mr. Sanchez, utilized the</p> <p>13 EWS program?</p> <p>14 A. He did not.</p> <p>15 Q. Okay. It was a -- he signed a manual</p> <p>16 form; correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. All right. The answer also reads</p> <p>19 that, "Hard copies of the electronic consent and</p> <p>20 disclosure form utilized by defendant have been</p> <p>21 provided to plaintiff. Between March 6, 2010, and</p> <p>22 November 23rd, 2012, 194,558 applicants and/or</p> <p>23 employees of defendant, Sterling East's clients</p> <p>24 executed electronic consent and disclosure forms</p> <p>25 through the EWS program," period.</p>	<p>1 applicants and/or employees of Sterling East's</p> <p>2 clients executed electronic consent and disclosure</p> <p>3 forms through the EWS program," period.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. That's correct; right? You verified that</p> <p>7 as being correct --</p> <p>8 A. Yes.</p> <p>9 Q. -- right?</p> <p>10 A. Uh-huh. Correct.</p> <p>11 Q. And what did Mia do to determine that</p> <p>12 number?</p> <p>13 A. She had ran the report. This was actually</p> <p>14 run -- this was actually created by someone by the</p> <p>15 name of Madge Patterson, who took the data and</p> <p>16 eliminated other repeat applicants, applicants with</p> <p>17 no order connected to them. There was also some</p> <p>18 test in dummy accounts that were still there that</p> <p>19 hadn't been eliminated, so those were eliminated as</p> <p>20 well.</p> <p>21 Q. Okay. I was asking you questions about --</p> <p>22 and was that information gleaned from Sequel?</p> <p>23 A. Yeah, that was from the -- the Sequel</p> <p>24 database.</p> <p>25 Q. All right. And I asked you some questions</p>

29 (Pages 113 to 116)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 117	Page 119
<p>1 about what Sequel was capable of -- of determining.</p> <p>2 If you -- I think you told me, correct me if I'm</p> <p>3 wrong, that in Sequel you could determine the number</p> <p>4 of applicants for whom Sterling sold a background</p> <p>5 check on behalf of a particular client during a</p> <p>6 particular time period; correct?</p> <p>7 A. Yes. You may have to manipulate the data</p> <p>8 afterwards on a spreadsheet to get the result that</p> <p>9 you want, but, yes.</p> <p>10 Q. And then, would I also be correct that you</p> <p>11 could then take that information, if you needed to,</p> <p>12 and find out exactly who the identity of those</p> <p>13 consumers were --</p> <p>14 A. Yes, it would have their --</p> <p>15 Q. -- who they were; correct?</p> <p>16 A. Correct. Yes.</p> <p>17 Q. Okay.</p> <p>18 MR. FRANCIS: Let me go off the record.</p> <p>19 MR. O'NEIL: 12:37. Off the record.</p> <p>20</p> <p>21 (A recess was taken.)</p> <p>22</p> <p>23 THE VIDEOGRAPHER: It's 12:49. On the</p> <p>24 record.</p> <p>25</p>	<p>1 it inform its clients to cease using the old form?</p> <p>2 A. In a communication, we would probably say</p> <p>3 to stop using earlier versions, that -- that this is</p> <p>4 the most recent.</p> <p>5 Q. Do you know whether the company --</p> <p>6 A. I --</p> <p>7 Q. -- you actually did that?</p> <p>8 A. I can't say definitely.</p> <p>9 Q. Okay. Do you have any recollection of</p> <p>10 actually telling your clients: Don't use that form</p> <p>11 anymore, we think it's non-compliant?</p> <p>12 A. No, I don't.</p> <p>13 MR. FRANCIS: Okay. No further questions.</p> <p>14 MR. O'NEIL: Okay. I have a few</p> <p>15 follow-up, clarifying questions myself.</p> <p>16</p> <p>17 EXAMINATION BY</p> <p>18 MR. O'NEIL:</p> <p>19 Q. I refer you, Mr. Nager, to -- let me see</p> <p>20 what exhibit.</p> <p>21 Mr. Francis asked you a number of</p> <p>22 questions including just the last set of questions</p> <p>23 regarding Sterling's policies and procedures for</p> <p>24 making the consent forms available to its clients.</p> <p>25 Do you recall that testimony?</p>
Page 118	Page 120
<p>1 BY MR. FRANCIS:</p> <p>2 Q. Mr. Nager, we're going to wrap up here in</p> <p>3 just a second, but before I do, I just want to ask</p> <p>4 you a couple of follow-up questions regarding what</p> <p>5 we've gone over today, thus far. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Do you remember my asking you about</p> <p>8 changes to the consent and disclosure forms that</p> <p>9 Sterling has made over the last several years?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And am I correct that at some point</p> <p>12 in 2008, according to the form's dates, Sterling</p> <p>13 ceased using the paragraph which began with, "In</p> <p>14 exchange," and it contained a release?</p> <p>15 A. Correct.</p> <p>16 Q. When the company stopped including that</p> <p>17 language in its consent and -- and disclosure forms,</p> <p>18 did it notify its clients to stop using that form?</p> <p>19 A. Again, it would have been -- I would</p> <p>20 have -- we would have sent out the update to our</p> <p>21 client-facing teams, and they would have sent it</p> <p>22 out.</p> <p>23 Q. Okay. My question is a little narrower.</p> <p>24 Other than distributing a new consent and disclosure</p> <p>25 form, as the company would do from time to time, did</p>	<p>1 A. Yes.</p> <p>2 Q. And does that testimony apply to all of</p> <p>3 the forms that Mr. Francis has shown to you today?</p> <p>4 A. Yes. We would have -- we would have</p> <p>5 notified clients by -- I would have notified</p> <p>6 client-facing teams by e-mail, and they would send</p> <p>7 it out.</p> <p>8 Q. And those were the policies and procedures</p> <p>9 of Sterling in terms of Sterling distributing the</p> <p>10 forms to its clients; correct?</p> <p>11 MR. FRANCIS: Objection. Leading.</p> <p>12 A. Correct. The only other thing would be to</p> <p>13 update it on our Web site and then the EWS modules.</p> <p>14 Q. In all of your testimony today regarding</p> <p>15 Sterling's policies and procedures for distributing</p> <p>16 consent forms to its clients, did those policies and</p> <p>17 procedures that you described also apply to the</p> <p>18 consent form which has been marked as Plaintiff's</p> <p>19 Exhibit Number 4?</p> <p>20 A. Yes.</p> <p>21 Q. Now, Mr. Francis asked you some questions</p> <p>22 about the dates on the bottom of some of the forms.</p> <p>23 Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. And I believe you indicated that that</p>

30 (Pages 117 to 120)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 121	Page 123
<p>1 would indicate approximately the date that a form 2 had been updated; correct? 3 MR. FRANCIS: Objection. Leading. 4 A. Correct. 5 MR. O'NEIL: Just background. Just trying 6 to refresh his recollection. If you think that 7 I misstated his testimony, he can make -- 8 MR. FRANCIS: Well, I don't think he said 9 he doesn't recall, but I don't think you've 10 established that he has no recollection. 11 But -- 12 MR. O'NEIL: Okay. Well, I'm not going to 13 reference your earlier testimony. 14 Q. When Sterling made any type of change to a 15 form, did it always create a new form with a new 16 date? 17 A. No. 18 Q. So could you explain why that's the case? 19 A. Just wasn't updated. So sometimes we 20 might have had an update done on -- say this form 21 on -- Exhibit Number 4 as an example. An up -- I 22 know an update was done on 2/12 of '08. I can't say 23 that that was the only update and that there wasn't 24 one four months later, and we didn't change the 25 date.</p>	<p>1 Q. Okay. And when the forms were provided by 2 Sterling to its clients, could the clients make 3 other changes to the forms? 4 A. At one point that they were locked, and 5 then at other points we just started releasing them 6 unlocked to clients. There was plenty of unlocked 7 forms floating around the office anyway. 8 Q. Okay. And so if a form was unlocked, then 9 the client would be able to go into the form and 10 change it; correct? 11 A. Correct. 12 Q. And even when the form was locked, did you 13 think that that precluded the client from making 14 changes to the form? 15 MR. FRANCIS: Objection. Leading. 16 A. No. 17 Q. And the client could have also changed the 18 text of the forms as well; correct? 19 A. Yes. 20 Q. Some of the later forms that Mr. Francis 21 showed you had references to specific language 22 relating to applicants in specific states; right? 23 A. Correct. 24 Q. But then some of the earlier forms, like 25 Exhibit Number 4, did not have any state-specific</p>
Page 122	Page 124
<p>1 Q. So is it your testimony then that 2 sometimes you updated the forms, but did not put a 3 new date on them? 4 A. Correct. 5 Q. Mr. Francis showed you Exhibit Number 3-- 6 and there is a place in a couple of paragraphs 7 where, in brackets, it says "company name." Do you 8 see that? 9 A. Yes. 10 Q. And what was that bracket supposed to 11 indicate? 12 A. The company who was using it, the name is 13 supposed to be inserted there. 14 Q. Okay. And then on Exhibit 5 that Mr. 15 Francis showed you, under the first three 16 paragraphs, there's also bracketed language in 17 boldface. It says, "be specific", right? 18 A. Correct. 19 Q. And what's indicated by those brackets? 20 A. The -- the client is supposed to insert 21 their services that they're running. 22 Q. Okay. So at least some of the forms that 23 Sterling provided had to be modified in order for 24 the client to use it; correct? 25 A. Correct.</p>	<p>1 language in it; correct? 2 A. Well, this one has from Minnesota and 3 Oklahoma. 4 Q. Okay. And that form is dated 2/12/08. 5 Was that the only form -- Exhibit 4, was that the 6 only form that Sterling made available on or about 7 2/12 of 2008? 8 A. No. 9 Q. What other forms would have been made 10 available? 11 A. We originally had four consent forms, four 12 standard consent forms. This one had the Minnesota 13 and Oklahoma language on it. There was another one 14 that had California language on it. Another one for 15 Washington State. And I believe the other one was 16 Maine. 17 Q. Okay. So when Sterling would issue a new 18 consent and disclosure form, in fact, there might be 19 more than one version of that form; correct? 20 A. Correct. We'd issue four to most 21 companies. 22 Q. And the verbiage on those different forms 23 issued at the same time would differ; correct? 24 A. Correct. 25 MR. O'NEIL: I have no further questions.</p>

31 (Pages 121 to 124)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 125	Page 127
<p>1 Thank you.</p> <p>2 MR. FRANCIS: I have a couple follow-up</p> <p>3 based on that.</p> <p>4</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MR. FRANCIS:</p> <p>7 Q. Just to follow up on what Mr. O'Neil was</p> <p>8 just asking you about.</p> <p>9 He asked you whether or not -- in</p> <p>10 reference to the -- Exhibit Number 4, the form that</p> <p>11 was being used in February 12, 2008, whether there</p> <p>12 were various versions of it; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And that he asked you did the</p> <p>15 verbiage vary in those forms, from one to another;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Am I not correct, sir, that the verbiage</p> <p>19 that begins with: "In exchange for company's</p> <p>20 consideration of my employment application through</p> <p>21 background investigation," that paragraph we</p> <p>22 asked -- we've asked about, or I've asked you about,</p> <p>23 that was the same; correct?</p> <p>24 A. That would be the same.</p> <p>25 Q. Okay. That standard language was in all</p>	<p>1 CERTIFICATION</p> <p>2</p> <p>3 STATE OF NEW YORK )</p> <p>4 ) ss.</p> <p>5 COUNTY OF WESTCHESTER )</p> <p>6 I, KATHERINE S. JURAC, Court Reporter</p> <p>7 and Notary Public within and for the County of</p> <p>8 Westchester, State of New York, do hereby certify:</p> <p>9 That I reported the proceedings that</p> <p>10 are hereinbefore set forth, and that such transcript</p> <p>11 is a true and accurate record of said proceedings.</p> <p>12 AND, I further certify that I am not</p> <p>13 related to any of the parties to this action by</p> <p>14 blood or marriage, and that I am in no way</p> <p>15 interested in the outcome of this matter.</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto set</p> <p>18</p> <p>19 my hand.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 KATHERINE S. JURAC</p> <p>24 Court Reporter</p> <p>25</p>
Page 126	Page 128
<p>1 of them; correct?</p> <p>2 A. Correct.</p> <p>3 MR. FRANCIS: Okay. No further questions</p> <p>4 MR. O'NEIL: We reserve signature.</p> <p>5 THE VIDEOGRAPHER: Okay. That concludes</p> <p>6 the deposition of Adam Nager. The time is</p> <p>7 12:58 p.m. Off the record. End of DVD 2.</p> <p>8</p> <p>9 (Time noted: 12:58 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INSTRUCTIONS TO WITNESS FOR READING &amp; SIGNING</p> <p>2 Read your deposition over carefully.</p> <p>3 It is your right to read your deposition and make</p> <p>4 changes in form or substance. You should assign a</p> <p>5 reason in the appropriate column on the errata</p> <p>6 sheet for any change made.</p> <p>7 After making any changes in form or</p> <p>8 substance which have been noted on the following</p> <p>9 errata sheet along with the reason for any change,</p> <p>10 sign your name on the errata sheet and date it.</p> <p>11 Then sign your deposition at the</p> <p>12 end of your testimony in the space provided</p> <p>13 You are signing it subject to the changes you have</p> <p>14 made in the errata sheet, which will be attached</p> <p>15 to the deposition before filing. You must sign it</p> <p>16 in front of a witness. Have the witness sign in</p> <p>17 the space provided. The witness need not be a</p> <p>18 notary public. Any competent adult may witness</p> <p>19 your signature.</p> <p>20 Return the original errata sheet to your</p> <p>21 counsel promptly. Court rules require filing</p> <p>22 within 30 days after you receive the deposition.</p> <p>23</p> <p>24</p> <p>25</p>

32 (Pages 125 to 128)

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

<p style="text-align: right;">Page 129</p> <p>1           ERRATA SHEET</p> <p>2    Attach to Deposition of: Adam Nager</p> <p>3    Taken on: March 21, 2013</p> <p>4    In the matter of: Sanchez v. Sterling Infosystems, Inc.</p> <p>5    PAGE LINE NO. CHANGE REASON</p> <p>6    _____</p> <p>7    _____</p> <p>8    _____</p> <p>9    _____</p> <p>10   _____</p> <p>11   _____</p> <p>12   _____</p> <p>13   _____</p> <p>14   _____</p> <p>15   _____</p> <p>16   _____</p> <p>17   _____</p> <p>18   _____</p> <p>19   _____</p> <p>20   _____</p> <p>21   _____</p> <p>22   _____</p> <p>23   _____</p> <p>24   _____</p> <p>25   _____</p>	
<p style="text-align: right;">Page 130</p> <p>1           SIGNATURE PAGE</p> <p>2    ---</p> <p>3    I hereby acknowledge that I</p> <p>4    have read the foregoing transcript, dated</p> <p>5    March 21, 2013, and the same is a true and</p> <p>6    correct transcription of the answers given by</p> <p>7    me to the questions propounded, except for</p> <p>8    the changes, if any, noted on the errata</p> <p>9    sheet.</p> <p>10   ---</p> <p>11   ---</p> <p>12   SIGNATURE: _____</p> <p>13               Adam Nager</p> <p>14   DATE:       _____</p> <p>15   WITNESSED BY: _____</p> <p>16   _____</p> <p>17   _____</p> <p>18   _____</p> <p>19   _____</p> <p>20   _____</p> <p>21   _____</p> <p>22   _____</p> <p>23   _____</p> <p>24   _____</p> <p>25   _____</p>	

33 (Pages 129 to 130)

Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 130

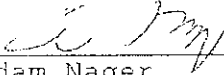
SIGNATURE PAGE

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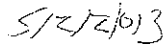
I hereby acknowledge that I  
have read the foregoing transcript, dated  
March 21, 2013, and the same is a true and  
correct transcription of the answers given by  
me to the questions propounded, except for  
the changes, if any, noted on the errata  
sheet.

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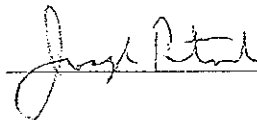
SIGNATURE:

  
Adam Nager

DATE:

  
5/2/2013

WITNESSED BY:

  
\_\_\_\_\_

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Sanchez v. Sterling Infosystems, Inc., et al.

ADAM NAGER, 3/21/13

Page 129

## 1 ERRATA SHEET

2 Attach to Deposition of: Adam Nager

3 Taken on: March 21, 2013

4 In the matter of: Sanchez v. Sterling Infosystems, Inc.

5 PAGE LINE NO. CHANGE REASON

6 11 18 Veronique Laverdiere Spelling

7 30 21 Glen Rambaran Spelling

8 102 23 Kirsten Adams Spelling

9 105 5 and 20 Mayya Kalikman Spelling

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